



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

MULTI-COUNTY: DESERT MOUNTAIN CON- SERVATION AUTHORITY

A written comment period has been established commencing on **August 28, 2009**, and closing on **October 12, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Sevilla, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **October 12, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND THREE REGULATION SECTIONS, ALONG WITH THREE ASSOCIATED FORMS, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

REGULATION SECTIONS PROPOSED FOR AMENDMENT: 1859.2, 1859.35 AND 1859.51.

FORMS PROPOSED FOR AMENDMENT:

Existing School Building Capacity, Form SAB 50-02, (Revised 03/09), referenced in Regulation Section 1859.2

Eligibility Determination, Form SAB 50-03, (Revised 03/09), referenced in Regulation Section 1859.2

Application for Funding, Form SAB 50-04, (Revised 03/09), referenced in Regulation Section 1859.2

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, including three associated forms, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35 and 42270 of the Education Code. The proposals interpret and make specific reference Sections 17052, 17070.51, 17071.10, 17071.25, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.20, 17077.40, 17078.72, 17079.20, 42268 and 42270 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

The State Allocation Board (SAB), at its March 25, 2009 meeting, adopted amendments to implement Senate Bill (SB) 658, Chapter 271, Statutes of 2008 (Romero). SB 658 phases out Multi-Track Year-Round Education (MTYRE) Operational Grants funding over four years and reallocates the funds to the Charter School Facility Grant Program. Pursuant to SB 658, the amendments delete the regulatory references to MTYRE Operational Grants as a factor in determining school building capacity and new construction eligibility under the SFP.

A summary of the proposed regulatory amendments follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments change the latest revision dates to "03/09" for the Forms SAB 50-02, 50-03, and 50-04.

Existing Regulation Section 1859.35 sets forth the criteria to determine a school district's existing school building capacity. The calculation may include subsection (c) involving the number of pupils provided MTYRE Operational Grants. The proposed amendments delete subsection (c) and add Education Code Section 42270 as a reference.

Existing Regulation Section 1859.51 sets forth factors which require adjustments to the SFP New Construction baseline eligibility, including subsection (j)(2) involving the number of pupils provided MTYRE Operational Grants for Small School Districts. The proposed amendments delete subsection (j)(2) and add Education Code Section 42270 as a reference.

Existing Form SAB 50-02, *Existing School Building Capacity*, is submitted by applicant school districts to determine the total number of pupils that may be housed in the district's gross classroom inventory. The proposed amendments delete the references to the number of pupils provided MTYRE Operational Grants in the Specific Instructions, Part III, and in the form field headings, Part III. To facilitate communications, school districts are asked to print or type their name after signing, plus provide e-mail address and telephone number.

Existing Form SAB 50-03, *Eligibility Determination*, is used by school districts to calculate their eligibility for new construction and modernization funding under the SFP. The proposed amendments correct the Specific Instructions, Part II, and the form field headings, Part II, in referring to a line on Form SAB 50-02, which has been renumbered by these regulatory amendments.

Existing Form SAB 50-04, *Application for Funding*, is submitted by school districts to apply for State funding for new construction or modernization projects. The proposed amendments delete Specific Instruction 13.b. and form field 13.b., which refer to the number of pupils provided MTYRE Operational Grants.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.

- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than October 12, 2009, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup

contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public in-

spection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **October 15, 2009**, at
10:00 a.m.

in the Auditorium of the Harris
State Building,
1515 Clay Street, Oakland,
California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **October 15, 2009**,
following the Public
Meeting,
in the Auditorium of the Harris
State Building,
1515 Clay Street, Oakland,
California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS

MEETING: On **October 15, 2009**,
following the Public Hearing,
in the Auditorium of the Harris
State Building,
1515 Clay Street, Oakland,
California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4

and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **October 15, 2009**.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7,
Article 10
Section 3395

Heat Illness Prevention

Descriptions of the proposed changes are as follows:

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 7,
Article 10
Section 3395

Heat Illness Prevention

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board proposes to adopt amendments to Title 8 of the California Code of Regulations, Section 3395 of the General Industry Safety Orders. These proposed amendments are authorized by Labor Code Section 142.3.

Currently, Section 3395 requires that in outdoor places of employment, employees suffering from heat illness or believing a preventative recovery period is needed are required to be provided access to an area with shade that is either open to the air or provided with ventilation or cooling for a period of no less than five minutes. Existing Section 3395 also provides that access to shade as required by the regulation shall be permitted at all times. There is an exception to the existing requirement for shade for employees other than those in the agriculture industry, that allows for provision of cooling measures other than shade (e.g., use of misting machines) if the employer can demonstrate that these measures are at least as effective as shade in allowing employees to cool. Existing Section 3395 also includes a definition of "preventative recovery period" as well as training requirements related to prevention of heat illness.

The amendments proposed in this rulemaking would require ongoing provision of shade at temperatures above 85° F in outdoor places of employment, unrelated to an employee request. This requirement would be subject to an exception for use of cooling measures other than shade (e.g. use of misting machines) in work-

places other than agricultural workplaces. The amendments would require that additional precautionary measures to prevent heat illness be taken when the temperature of outdoor places of employment is at or above 95°F. Additionally, the proposed amendments would add several new elements to existing requirements for employee training and would eliminate the definition of “preventative recovery period.”

The effects of the proposed amendments are outlined below:

Section 3395 Heat Illness Prevention in Outdoor Places of Employment.

Section 3395(a) Scope and Application.

Existing Section 3395(a) contains an advisory note specifying that the requirements of section 3395 may be integrated into the employer’s Injury and Illness Prevention Program (IIPP) as required by Title 8 Section 3203. It is proposed to amend this note to clarify that the measures to comply with the requirements of Section 3395 may be integrated into the employer’s written IIPP and may also acceptably be maintained in a separate document. Because it is only an advisory note that is being amended, there is no regulatory effect from this action.

Section 3395(b) Definitions.

Existing Section 3395(b) includes a definition for the term “Preventative recovery period.” It is proposed to delete this definition, as this term would no longer be included in the proposed amended standard.

Existing Section 3395(b) includes a definition for the term “Shade.” The existing second sentence of this definition specifies that shade for the purposes of the regulation may be provided by means of canopies, umbrellas, and other temporary structures or devices. It is proposed to clarify and relocate this second sentence of the existing definition of shade from the beginning to the end of the definition and to state that natural or artificial sources of shade may be used to provide shade and that shade may be provided by any combination of these sources. The effect of this amendment is to clarify that shade adequate to allow the body to cool may be provided from natural or artificial means that do not expose employees to unsafe or unhealthy conditions.

Existing Section 3395(b) does not include a definition of the term “Temperature.” It is proposed to add a definition of “Temperature” specifying that this term, as used in the regulation, applies to measurement in degrees Fahrenheit using a thermometer in an area where there is no shade, and that this measurement should be done with the bulb or sensor of the device shielded from direct contact with sunlight. The effect of this proposed amendment is to specify a simple and uniform technique for obtaining the workplace temperature used as

the basis for several proposed new requirements of the regulation as detailed below.

Section 3395(c) Provision of water.

Existing Section 3395(c) details requirements for provision of drinking water to employees covered by the regulation. It is proposed to amend the existing language of this section to clarify that the drinking water shall be provided at no cost to the employee, and shall be fresh, pure, and suitably cool. This provision of drinking water at no cost is consistent with an employer’s obligation to pay for and provide all safety provisions and is specifically required by Labor Code section 2441. Additionally, the reference to the subsection addressing training about consumption of water is amended in accordance with the proposed renumbering of that subsection. The effect of these amendments is to clarify the requirements of the standard regarding access to drinking water. The amendment referencing subsection (f)(1)(C) is without regulatory effect.

Section 3395(d) Access to shade.

Existing Section 3395(d) requires employers with outdoor places of employment to provide access to shade for a period of no less than 5 minutes to employees suffering from heat illness or believing a preventative recovery period is needed. Existing Section 3395(d) also provides that for employers other than those in agriculture, cooling measures other than shade may be provided if the employer can demonstrate that these measures are at least as effective as shade in allowing employees to cool.

It is proposed to amend Section 3395(d) to require that when the temperature of an outdoor workplace exceeds 85° F the employer shall have and maintain one or more shade areas sufficient to accommodate 25 percent of the employees on the work shift at any time, located as close as practicable to where employees are actually working. It is further proposed to amend Section 3395(d) to require that in outdoor workplaces when temperatures do not exceed 85° F, employers shall provide shade either as required where temperatures exceed 85° F or in a timely manner in response to an employee’s request for shade. The effect of these amendments is to provide a concrete, easy to understand temperature trigger for shade requirements and clear guidelines for the minimum amount of shade needed when the temperature trigger is exceeded.

It is further proposed to amend Section 3395(d) to add a new requirement that employers with outdoor workplaces encourage employees to take a cool-down rest in the shade for a period of no less than 5 minutes if they feel they need to do so to protect themselves from overheating. The effect of this requirement is to set clear guidelines for minimum rest periods to be provided so that employees may avoid developing a heat illness.

Section 3395(e) High-heat procedures.

It is proposed to relocate the existing language of Section 3395(e) to a new Section 3395(f) and replace it with new requirements for procedures to reduce the risk of heat illness in outdoor workplaces when the temperature equals or exceeds 95° F. The newly proposed procedures, required to be implemented by employers in outdoor workplaces when practicable, are for ensuring the capability of contacting a supervisor when necessary, for observing employees for alertness and signs or symptoms of heat illness, for reminding employees throughout the work shift to drink plenty of water and for close supervision of new employees for the first 14 days of their employment, unless they provide specified information establishing that they are acclimatized to work in heat in excess of 95°F. The effect of this proposal is to require extra precautions, where practicable, under high heat conditions that potentially pose heightened risks to employees.

Section 3395(f) Training.

It is proposed to renumber existing Section 3395(e) covering employee training, as Section 3395(f) and to add additional requirements. It is proposed to add language clarifying that no employee or supervisor shall begin outdoor work to which section 3395 applies unless they have received the training required by this regulation. It is also proposed that an element of training be added on the burden of heat load on the body caused by exertion, clothing, and personal protective equipment. It is also proposed to add to the existing elements for training procedures for designating a person to be available to ensure that emergency procedures are invoked when appropriate. Also, it is proposed to add to the current procedures on which supervisors are required to be trained an element on how to monitor weather reports and how to respond to hot weather advisories. The effect of the proposed amendments is to make the required training more comprehensive and effective.

There is no equivalent federal standard published or proposed by the Occupational Safety and Health Administration.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide ad-

verse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All state, local and

private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than October 9, 2009. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on October 15, 2009, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above

proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 14. DEPARTMENT OF PARKS AND RECREATION

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN the Department of Parks and Recreation (Department) proposes to amend the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to amend the regulations and documents incorporated by reference in the California Code of Regulations (CCR), Title 14, Division 3, Chapter 15, Articles 1 through 5, Sections 4970.00 through 4970.26 pertaining to the Off-Highway Motor Vehicle Recreation (OHMVR) Grants and Cooperative Agreements Program (Program).

PUBLIC HEARINGS

The Department will hold two public hearings on the proposed rulemaking. The hearings will be held:

Date: October 1, 2009

Time: 6:00 p.m. to 9:00 p.m.

Location: San Diego
Old Town San Diego State Historic Park
4002 Wallace Street
San Diego, CA 92110
(619) 220-5422

– and –

Date: October 13, 2009

Time: 6:00 p.m. to 9:00 p.m.

Location: Sacramento
OHMVR Headquarters
1725 23rd Street, Suite 200
Sacramento, CA 95816
(916) 324-4442

At the hearings, any interested person, or his or her authorized representative, may present oral or written statements, arguments, or contentions relevant to the proposed action described in the Informative Digest. The Department may impose reasonable limits on oral presentations. The Department requests, but does not require, persons making oral comments at the hearings also submit a written copy of their testimony at the conclusion of their remarks. Additionally, pursuant to Government Code Section 11125.1, any information presented to the Department during the open hearings in connection with the matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Department and shall be made available upon request.

Written comments other than those presented at the public hearings may be submitted to the Department as described below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends at 5:00 p.m., on October 12, 2009. The Department will consider only written comments received at the Department's office by that time (in addition to those comments received at the public hearing). All written comments shall be submitted to the following address:

Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
Attn: Sixto Fernandez, Grants Manager
Grants and Cooperative Agreements
1725 23rd Street, Suite 200
Sacramento, California 95816-7100

Written comments of not more than 10 pages will be accepted by the Department via facsimile at (916)

324-1610. A fax transmission must be completed by the deadline given above.

Inquiries or written comments may be directed to Sixto Fernandez at (916) 324-1572 or via email at sfernandez@parks.ca.gov by the deadline given above.

The back-up contact person regarding the proposed action/text is:

Kelly Long, Grants Administrator, phone number (916) 324-3741 or e-mail address: kclong@parks.ca.gov.

AUTHORITY AND REFERENCE

Authority Citation: The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

Reference Citation: The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5090.02, 5090.35, 5090.50, 5090.53, and 5090.61.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background and History

PRC Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003 (Act), as amended, governs off-highway motor vehicle grants and cooperative agreements with cities, counties, districts, federal agencies, federally recognized Native American tribes, nonprofit organizations, educational institutions, and State agencies. The Act was most recently amended by Senate Bill 742 (SB 742) which had an effective date of January 1, 2008. SB 742 extended the Act to January 1, 2018, deleted certain obsolete provisions, and made significant amendments to the provisions guiding the OHMVR Program.

The Program is administered by the OHMVR Division within the Department of Parks and Recreation. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality Off-Highway Vehicle (OHV) recreation areas, roads, trails, and other facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV recreation. Assistance is provided in the form of reimbursable grant funding.

Following enactment of SB 742, the Department proposed permanent regulations, which were adopted and appear in the California Code of Regulations as Title 14, Division 3, Chapter 15, Sections 4970.00-4970.26. These regulations apply to grant and cooperative agreement applications received by the OHMVR Division on or after January 1, 2008. Under the approved regula-

tions, grant funding may be applied for using a two-step application submission process. This process ensures public review and comment, allows for preliminary review by the OHMVR Division, and provides the opportunity for applicants to submit stronger, more competitive final applications. The OHMVR Division requires application submission using the On-Line Grant Application (OLGA) database, a web-based system that allows applicants to develop and submit their application via the internet.

Upon completion of the 2008/09 grants cycle, the OHMVR Division identified areas in the regulations that warrant revision. As a result, the Department is proposing to amend portions of CCR Title 14, Division 3, Chapter 15, Sections 4970.00–4970.26 and documents incorporated by reference. These amendments to the regulations will eliminate confusing aspects to the Program, ensure OHV trust funds are disbursed appropriately, and increase efficiency for applicants and staff.

Effect of Proposed Rulemaking

The Department is proposing to amend the OHMVR Grants and Cooperative Agreements Program Regulations, CCR Title 14, Division 3, Chapter 15, Articles 1 through 4, Sections 4970.00–4970.26 and documents incorporated by reference as follows:

Section 4970.00 is amended to update the applicable date of the regulations.

Section 4970.01 is amended to delete unnecessary definitions, clarify an existing definition, and correct grammar and punctuation. The section is re-lettered to maintain alphabetical order.

Section 4970.05 is amended to make specific several general application requirements. The time period and steps to notify the public of their opportunity to review and comment are defined. The required application contents are amended to specify documentation for nonprofit organizations and entities that must submit a governing body resolution.

Section 4970.06.1 is amended to explain how applicants may document environmental compliance when applying for projects pursuant to Section 4970.06.1(b). Section 4970.06.1(c) is specific to city, county, district, educational and nonprofit organization applicants. Section 4970.06.1(c) is specific to federal agencies and federally recognized Native American tribe applicants. The section is also amended to remove inconsistent or extraneous language and renumbered to retain numerical order.

Section 4970.07 is amended to provide additional clarity regarding the application submission process. Proposed amendments specify submittal requirements for nonprofit organizations and educational institu-

tions, as described in Section 4970.05. Additionally, amendments specify the OHMVR Division will provide comments to applicants regarding their preliminary applications. The section is also amended to correct grammar.

Section 4970.07.2 is amended to explain actions the OHMVR Division may take to adjust or reject projects. Proposed amendments specify the reasons an application may be adjusted by the OHMVR Division. Portions of the section are renumbered to retain numerical order.

Section 4970.08 is amended to clarify wording and to specify equipment rental or lease fees are eligible costs. Amendments also specify limits on the cost of equipment purchased by nonprofit organizations.

Section 4970.10 is amended to provide consistency in the regulations.

Section 4970.10.1 is amended to clarify project-specific requirements for ground operations projects.

Section 4970.10.3 is amended to correct grammar.

Section 4970.10.4 is amended to require deed restrictions for property acquired under the Program. Portions of the section are re-lettered to maintain alphabetical order or amended to correct grammar.

Section 4970.11 is amended to ensure applicants demonstrate a nexus between OHV recreation and a restoration project. Amendments also clarify project-specific requirements for restoration projects.

Section 4970.14.1 is amended to correctly reference a defined term and to correct grammar.

Section 4970.14.3 is amended to correct grammar.

Section 4970.15.1 is amended to clearly reference an existing subsection which details the funding distribution process under certain circumstances. Table 4 is updated to reflect changes to the possible score.

Section 4970.15.2 is amended to update Table 5 which reflects changes to the possible score.

Section 4970.15.3 is amended to specify that the base funding for law enforcement grant is awarded on a per applicant basis, instead of per project.

Section 4970.17 is amended to explain the ramifications of an appeal.

Section 4970.19 is amended to provide a consistent reference throughout the regulations.

Section 4970.19.2 is amended to correct grammar.

Section 4970.19.4 is amended to correct grammar.

Section 4970.19.6 is amended to delete a duplicate note in the regulations.

Section 4970.20 is amended to use the appropriate term in the regulations.

Section 4970.21 is amended to delete an unnecessary acronym.

Section 4970.22 is amended to remove unnecessary acronyms, correct grammar, and replace a deleted term with the correct word. The amendments also clearly ex-

plain the requirements of matching funds for the Program.

Section 4970.24 is amended to correct grammar and identify what item will be delivered to the Audits Office for audit.

Section 4970.25.1 is amended to remove unnecessary capitalization and correct grammar.

Section 4970.26 is amended to correctly refer to a defined term.

Environmental Review Data Sheet is amended to correspond with proposed amendments to Section 4970.06.1. The document is amended to direct applicants to discuss whether projects could have a significant effect on the environment due to erosion. The document is amended to instruct applicants to discuss the impact of the project on historical or cultural resources.

Project Cost Estimate is amended to use an appropriate definition.

General Provisions — Federal Agencies is added to provide general provisions for federal agencies other than the United States Forest Service or the Bureau of Land Management.

Evaluation Criteria — General Criteria is amended to allow land managers to provide more accurate documentation of OHV visitation. The document is amended to adjust scoring for applicants that do not maintain OHV recreation programs. The document is amended to clarify specific scoring criteria.

Evaluation Criteria — Acquisition Project Criteria is amended to clarify specific scoring criteria.

Evaluation Criteria — Development Project Criteria is amended to clarify specific scoring criteria.

Evaluation Criteria — Education and Safety Criteria is amended to clarify specific scoring criteria.

Evaluation Criteria — Ground Operations Project Criteria is amended to clarify specific scoring criteria.

Evaluation Criteria — Planning Project Criteria is amended to clarify specific scoring criteria.

Evaluation Criteria — Restoration Project Criteria is amended to clarify specific scoring criteria.

COMPARABLE FEDERAL REGULATION OR STATUTE

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Department has determined these proposed regulation amendments do not impose a mandate on local agencies or school districts. Participation in the OHMVR Grants and Cooperative Agreements Program is voluntary.

DISCLOSURES/ESTIMATE OF ECONOMIC AND FISCAL IMPACT

Fiscal Impact on Local Agencies or School Districts: These regulations do not impose any cost on a local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4, Government Code, nor do they impose any non-discretionary cost or saving on local agencies.

Fiscal Impact on State Government: These regulations do not impose any cost or savings to the State or any cost or savings in federal funding to the State.

Economic Impact on Business: The Department has made an initial determination these regulations do not have a significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment of Effect on Jobs and Businesses: Adoption of these regulations will not: 1) create or eliminate jobs within California, 2) create new businesses or eliminate existing businesses within California, or 3) affect the expansion of businesses currently doing business within California.

Impact on Housing: These regulations would not have a significant effect on housing costs.

Determination Regarding Effect on Small Businesses: The Department has determined there are no cost impacts on small businesses because this is a grant program for federal agencies, federally recognized Native American tribes, cities, counties, districts, State agencies, nonprofit organizations, and educational institutions.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department has determined no reasonable alternative it considered or has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed action, has available all the in-

formation upon which its proposal is based, and has available the express terms of the proposed action. Copies may be obtained by contacting Sixto Fernandez at the e-mail address listed previously. The rulemaking file, which contains all information on which the proposal is based, is located at the OHMVR Division, 1725 23rd Street, Suite 200, Sacramento, California, 95816-7100, and may be obtained upon request. Additionally, the Initial Statement of Reasons and the text of the proposed regulations and documents incorporated by reference may be obtained from the Department's website located at www.ohv.parks.ca.gov at the Grants link.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding public hearings and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, a Final Statement of Reasons may be obtained by contacting Sixto Fernandez at the aforementioned address and will be made available through the Division website at www.ohv.parks.ca.gov, at the Grants link.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 205, 220 and 315 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206 and 220 of said Code, proposes to add sections 1.54, 5.70 and 5.83; and to amend sections 1.74, 2.00, 2.09, 2.30, 3.00, 5.00, 5.15, 5.30, 5.37, 5.40, 5.51, 5.60, 5.82, 5.87, 7.00, 7.50, 8.00, 27.80, 29.80, 29.90, 700 and 701, Title 14, California Code of Regulations, regarding Sport Fishing Regulations for 2010-2012.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEWS

Amend Section 2.00, Section 2.09, Section 2.30, Section 3.00, Section 5.15, Section 5.37, Section 5.51, subsection (e) of Section 5.60, Section 7.00, subsections (a), (b)(12), (b)(19.5), (b)(28.5), (b)(53.8), (b)(68.2), (b)(72.5), (b)(84), (b)(170.5), (b)(171.6), (b)(181), and (b)(187.5) of Section 7.50, Section 27.80, and Section 700, and Add Section 1.54 and subsection (b)(4.5) and (b)(25.3) of Section 7.50, and Repeal subsection (b)(88) of Section 7.50
Title 14, California Code of Regulations

Re: Minor Regulatory Revisions and Cleanup

This Department proposal is a combination of Department and public requests for Title 14, California Code of Regulations (CCR) minor revisions and cleanup for the 2009 triennial sport fishing review cycle. This proposal will repeal the license display requirement, clarify regulations for the take of saltwater species in inland waters, institute new grass carp retention measures, and minor additions to the special regulations. The Department has also determined that Title 14, CCR, has errors due to incorrect or missing Title 14 updates, incorrect cross-section references, typographic errors, and other regulatory problems that increase public confusion of the regulation's intent and regulation complexity.

For public notice purposes to facilitate Commission discussion, the Department is proposing the following changes to current regulations as discussed in the following paragraphs:

REPEAL OF DISPLAY REQUIREMENT OF LICENSE

The "wear your license" requirement places a burden on anglers to wear their licenses while fishing and risk losing their licenses, while the benefit to DFG is minimal. The cost of a sport fishing license has increased from \$23.25 in 1994 to \$39.25 in 2009; therefore, it is a bigger expense today to the angler to replace a lost license, stamps and/or report cards.

Section 700(a) requires every angler to display their sport fishing license above their waist while fishing. This regulation was enacted in 1994 to increase license sales and allow wardens to check for compliance from a distance.

While license sales increased slightly in 1994, sales have declined since then. License sales figures have fluctuated over the years and show a slight declining trend. The increase in sales in 1994 can not be verifiably linked to the license display requirement.

The benefit to law enforcement has become irrelevant. Wardens have to check licenses anyway to verify that anglers possess the proper stamps and report cards and to verify that angler catch and effort are recorded on report cards according to regulations. Since the inception of the “wear your license” requirement, additional report cards for sturgeon, spiny lobster and abalone have been added. There are currently five report cards and four stamps that are required for certain areas or species throughout the State. Additionally, wardens need to examine each license to verify that the license belongs to the angler and that it is not simply a piece of colored paper.

Amend Section 700, hunting and fishing license possession and display regulations.

— Remove the requirement to display the sport fishing license on an angler’s outer clothing. This change was a public recommendation that was supported by enforcement to reduce public confusion and simplify regulations.

TAKE OF SALTWATER SPECIES IN INLAND WATERS

Under current regulations there are not provisions allowing for the take of saltwater crabs in inland waters, although sport fishing for saltwater crabs in inland saltwater estuaries is a popular pastime for many sport fishermen. The problem is that many of the popular sport crab fishing estuaries are anadromous waters which are closed to all fishing during much of the time that it is legal to take saltwater crabs.

Both Sections 7.00 and 7.50 state, “Unless otherwise provided, waters shown as open to trout and salmon fishing below, are open to fishing for other species” and “Unless otherwise provided, waters closed to trout and salmon fishing are closed to fishing for all other species”. These sections go on to list some exceptions to the closures, “except that these closures do not apply to fishing for amphibians (see Section 5.05), freshwater clams (see Section 5.20), crayfish (see Section 5.35), and lamprey (see Section 5.40), using fishing methods other than hook-and-line fishing.”

Sport fishermen often complain to the Department’s Law Enforcement Division (LED) when they cannot fish for crabs in these saltwater estuaries because of stream closures. The LED is proposing to allow take of saltwater species in inland waters under marine regulations under certain conditions.

Amend Section 2.00, general fishing methods.

— Allow for other fishing methods when authorized by regulations.

Amend Section 7.00, trout and salmon district general regulations and subsection 7.50(a) trout and salmon special regulations.

— Allow the take of saltwater clams, crabs, ghost shrimp and blue mud shrimp in inland saltwater areas when trout and salmon are prohibited under certain conditions with hoop nets and by hand. Rigid crab traps will not be allowed due to potential conflicts with listed salmonids. This will clarify the regulations, reduce public confusion and strengthen enforcement measures.

NEW GRASS CARP RETENTION MEASURES

The regulation currently states that no grass carp may be taken or possessed at any time and that any grass carp inadvertently taken must be immediately returned unharmed to the water.

In 2002, Grass carp were discovered in Lake Siskiyou, Siskiyou County, during a routine electrofishing survey. Captured grass carp were tested and found to be fertile and able to reproduce. Due to the extensive reproductive capacity and voracious herbivorous feeding habits all grass carp should be removed from Northern California waters.

If Grass carp are able to escape Brown’s Pond and Lake Siskiyou, the potential for negative impacts on aquatic resources would be severe. The damages would be extensive and would further hinder the Sacramento River’s salmon populations.

Amend Section 5.37, statewide grass carp restrictions.

— Allow for an exception to the possession of grass carp and add reporting requirements in Siskiyou and Shasta counties similar to northern pike regulations to assist with eradication efforts.

BODFISH CREEK ADDITION TO SPECIAL REGULATIONS

Bodfish Creek is a tributary to Uvas Creek in Santa Clara County. Uvas Creek is specifically listed under the Special Regulations as being closed to fishing year round from the Highway 152 bridge up to Uvas Dam, but no reference is made to its tributaries. The General Regulations state at Section 7.00(e) that any body of water in Santa Clara County not called out by name in the Special Regulations is open from the last Saturday in April through November 15. Finally, to further complicate things, the confluence of Bodfish Creek is below the Highway 152 bridge, which could be interpreted to mean that all of Bodfish Creek is open from December 1 through March 7.

This discrepancy is confusing to anglers and nearly impossible to effectively enforce. Also a conservation measure is being proposed by Santa Clara County Parks

(with support from DFG) for re-operation of an on-channel pond (previously known as Sprig Lake) as rearing habitat for juvenile steelhead.

To align with the steelhead protection of Uvas Creek, Bodfish Creek is proposed to be added in the Special Regulations.

Add subsection 7.50(b)(25.3), Bodfish Creek special regulations.

— Add subsection to contain the Bodfish Creek season dates, special regulations, and daily bag and possession limits moved from the general district regulations. This will help provide additional protection to native fishes and reduce public confusion.

UPPER AMERICAN RIVER ADDITION TO SPECIAL REGULATIONS

The Upper American River regulations in the General District Regulations, Section 7.00(b)(6), are proposed to be moved into the Special Regulations, Section 7.50, to place the upper and lower section of the American River in the same regulatory section.

Amend Section 7.00, trout and salmon district general regulations.

— moved upper American River and tributaries regulations into the Special Regulations and renumber the following subsections. This will help clarify the regulations and place all of the American River regulations in the same location.

Add subsection 7.50(b)(4.5), American River and tributaries above Folsom Lake special regulations.

— Add subsection the special regulations to contain the upper American River and tributaries season dates, special regulations, and daily bag and possession limits moved from the general district regulations. This will help clarify the regulations.

OCEAN SALMON OPENERS FOR 2010

The 2010 season openers for all areas below Horse Mountain and size limits were adopted by the Pacific Fishery Management Council in April 2009 but left out the Commission's 2009 salmon regulatory process to reduce the need for additional public notice.

Amend Section 27.80, ocean salmon regulations.

— Add 2010 season openers for all areas below Horse Mountain and size limits. This change will reduce public confusion and align state regulations with federal regulations.

LAKE DAVIS CLEANUP

The California Department of Fish and Game (Department) eradicated northern pike (*Esox lucius*) from

Lake Davis in the fall of 2007. In response, special measures were adopted to Sections 5.51 and 7.50(b)(53.8) to 1) temporarily increase the daily bag limit from five to ten trout per day, and 2) require any northern pike caught at Lake Davis, or its tributaries, to be immediately killed and returned to the tributary or lake, rather than be killed and turned into the Department.

These special measures are now expired and this proposal will remove them to clean up the regulatory language and reduce public confusion.

Amend Section 5.51, statewide northern pike restrictions.

— Remove expired regulatory language for clarity.

Amend subsection 7.50(b)(53.8), Davis Lake special regulations.

— Remove expired regulatory language for clarity.

OTHER REGULATORY CLEANUP

The Department is proposing additional minor revisions in the following areas of Title 14, CCR, regulations. While these problems are minor when viewed individually, they must be corrected to clarify regulations, reduce public confusion, align regulations, and improve regulatory enforcement.

Add Section 1.54, Inland Sport Fishing Districts.

— Place a reference to the trout and salmon sport fishing districts which are also used as boundaries in inland non-trout regulations to reduce public confusion.

Amend Section 2.09, Possession of Illegal Gear Regulations.

— Add canals to locations where illegal gear is not allowed to clarify enforcement jurisdiction.

Amend Section 2.30, Statewide Spearfishing Regulations.

— Add tilapia to the authorized species for the Colorado River District as it was lost during previous Title 14 updates.

Amend Section 3.00, Statewide Fishing Hour Regulations.

— Revise table in subsection (b)(D)(2) for clarity and regulation simplification.

Amend Section 5.15, Statewide Catfish and Bulhead Regulations.

— Correct a typographical error from a previous Title 14 update.

Amend subsection (e) of Section 5.60, Methods of Take for Statewide Reptile Regulations.

— Correct cross reference in the "methods of take" subsection to reduce public confusion.

Amend Section 7.00 and subsection 7.50(a), Clarification of District and Special Regulations Restrictions.

— Add clarification that gear restrictions listed in these sections apply to the take of all species of fish unless otherwise noted to reduce public confusion.

— Add clarification that restrictions on fishing methods and gear, fishing hours, and the use of bait contained in other section may also apply to reduce public confusion.

Amend subsection 7.50(b)(12), Arroyo Seco River Special Regulations.

— Remove reference to a footbridge in subsection (A) to reduce public confusion.

Amend subsection 7.50(b)(19.5), Big Bear Lake tributaries special regulations.

— Change the season closing date to the, last day in February to cover leap years to reduce public confusion.

Amend subsection 7.50(b)(28.5), Burney Creek Special Regulations.

— Add total length to size limit to reduce public confusion and improve enforcement.

Amend subsection 7.50(b)(68.2), Feather River North Fork Special Regulations.

— Add Butte County to the county list for clarity and to reduce public confusion.

Amend subsection 7.50(b)(72.5), Guadalupe River Special Regulations.

— Remove redundant information from bag limit column. A zero bag limit indicated without a species will apply to all salmonids and fishing for other species is already allowed by subsection. This change will reduce public confusion and align the regulatory language of this subsection with the other special regulations.

Amend subsection 7.50(b)(84), Junction Lake and Tributaries Special Regulations.

— Correct a typographic error in the spelling of Mono County for clarity.

Repeal subsection 7.50(b)(88), Title 14, CCR, a reserve section that contains duplication regulations.

— Repeal this subsection as it is a partial duplicate of Subsection 7.50(b)(87) to reduce public confusion.

Amend subsection 7.50(b)(170.5), San Mateo Creek and Tributaries Special Regulations.

— Correct abbreviation for county to align the regulatory language of this subsection with the other special regulations.

Amend subsection 7.50(b)(171.6), San Margarita River and Tributaries Special Regulations.

— Correct abbreviation for county to align the

regulatory language of this subsection with the other special regulations.

Amend subsection 7.50(b)(181), Sonoma Creek and Tributaries Special Regulations.

— Correct cross reference to Section 8.00(b) to reduce public confusion.

Amend subsection 7.50(b)(187.5), Stevens Creek Special Regulations.

— Remove redundant information from bag limit column. A zero bag limit without a species shown will apply to all salmonids and fishing for other species is already allowed by subsection. This change will reduce public confusion and align the regulatory language of this subsection with the other special regulations.

Amend Section 1.74, Section 5.87, subsection (b)(180) of Section 7.50, subsection (a) of Section 8.00, and subsections (b) and (c) of Section 701, Title 14, California Code of Regulations
Re: Report Card and Low-Flow Regulations

The Department of Fish and Game proposes the following regulatory changes, relating to angling on north coast streams and sport fishing report cards:

- Require a salmon report card FG 683 (Rev. 9/09) in the Smith River [1.74; 5.87; 701(b)].
- Add slight modification to sturgeon report card FG 684 (Rev. 9/09) [701(c)].
- Allow only barbless hooks in the Smith River [7.50(b)(180)].
- Change the annual beginning date for low-flow angling restrictions in the Mad River [8.00].
- Clarify the procedure and correct the phone number for implementing north coast low-flow angling restrictions [8.00].
- Extend the low-flow restriction reach of the Middle Fork Eel River, to be consistent with the reach open to fishing [8.00].
- Correct the low-flow restriction reach for the South Fork Smith River, to be consistent with the reaches open to fishing [8.00].

Present Regulations

Section 1.74, Title 14, CCR, contains the general requirements, tagging procedures, and regulations for the following sport fishing cards: Klamath-Trinity Salmon Report Card, Steelhead Report and Restoration Card, Spiny Lobster Report Card, Sturgeon Fishing Report Card, and Abalone Report Card.

Section 5.87, Title 14, CCR, contains the requirements, procedures and regulations that are specific to the Klamath-Trinity Salmon Report Card.

Subsection 7.50(b)(180), Title 14, CCR, contains the Smith River season dates, special regulations, and daily bag and possession limits.

Section 8.00(a), Title 14, CCR, contains the low flow restrictions, flow determination procedures and Department informational numbers for all inland waters.

Section 701, Title 14, CCR, lists sport fishing forms, form revision dates, associated annual fees, and other related information.

Proposed Regulations

For public notice purposes to facilitate Commission discussion, the Department is proposing the following changes to current regulations:

Require Salmon Report Card in Smith River (Sections 1.74; 5.87; 701(b))

Existing regulations require anglers fishing for salmon in the Klamath–Trinity river system to possess and use a Klamath–Trinity Salmon Report Card. Anglers are allowed to retain Chinook salmon in the Klamath–Trinity, and the report card provides the department effort and catch data that are very valuable in managing the continued sustainability of salmon populations there. The only other north coast river where anglers may retain Chinook salmon is the Smith River. However there is no salmon report card requirement in the Smith River, so the fishery is managed without the aid of critical monitoring for effort and catch.

This proposed regulation change would expand the Klamath–Trinity Salmon Report Card requirements to the Smith River, which would provide critical data for the Smith River, enabling better informed fisheries management decisions specific to hatchery and wild Chinook salmon populations in the Smith River. Additionally, there would be a small amount of revenue directed towards data analysis, reporting, and Smith River fisheries monitoring. Also, the report card would be renamed the “North Coast Salmon Report Card” which would simplify the card name and eliminate the need to change the card name in the future if north coast streams are added or deleted.

Add Modification to Sturgeon Report Card (Section 701(c))

This proposed regulation change modifies the sturgeon sport card to add a check box to allow the angler to indicate if they did not fish for sturgeon during the year. This proposed small change will assist analysis of the report date.

Allow only Barbless Hooks in Smith River (Subsection 7.50(b)(180))

Existing regulations for the Smith River allow barbed hooks during September through March in the Middle, North, and South Forks, and during September through April in the main stem.

In 1998, pursuant to a 1998 Memorandum of Agreement (MOA) between DFG and NOAA Fisheries, the Fish and Game Commission (FGC) banned barbed hooks for angling on all north coast anadromous waters. In 2004, the FGC changed Smith River regulations to the present language allowing barbed hooks. DFG opposed the FGC 2004 regulation change. The change potentially increased salmon and steelhead hooking mortality and incidental take of threatened coho salmon, and did not adhere to the MOA. Additionally, the regulation change resulted in inconsistent regulations for terminal gear in north coast anadromous waters.

In 2007, AB 1729, Chapter 285, SEC. 113, Section 7149.45(a) was enacted, expanding the areas where anglers may use a second rod in California beginning in 2008. Anglers who have a second rod stamp may now fish with two rods in any inland water, except where only artificial lures or barbless hooks are allowed. A result is that anglers may now use two rods in the Smith River when and where barbed hooks are allowed. Anglers using two rods and terminal gear with baited barbed hooks potentially catch more fish and increase hooking mortality.

This proposed regulation change would reenact the barbless hook requirement in the Smith River and would again standardize barbless terminal gear for north coast district anadromous waters. Use of second rods in the Smith River would not be allowed, thus reducing population risk potential for threatened anadromous salmonid species.

Change Beginning Date for Mad River Low–Flow Restrictions (Section 8.00(a))

Existing regulations allow angling in the lower Mad River from the fourth Saturday in May through March 31, with low–flow restrictions in effect from October 1 through January 31. Chinook salmon generally begin to enter and hold in pools in the Mad River during late August or early September. During September, Chinook are easily detected, accessible, and subject to heavy fishing pressure and poaching due to low flow and clear water. DFG regional offices receive numerous calls regarding violators, and the trend for citations is increasing each year.

This proposed regulation change would begin low–flow restrictions in the Mad River on September 1 rather than October 1. It would reduce unlawful take and unnecessary risk to this threatened species.

Clarify Implementation and Correct Phone Number for North Coast Low–Flow Restrictions (Section 8.00(a))

Existing regulations authorize the Department to close or open north coast anadromous stream reaches to angling, based on specified minimum flows at specified

gauging stations on specified flow-determination days (Monday, Wednesday, and Friday):

- When the flow is below the minimum on a flow-determination day, the reach is closed starting the day after that flow-determination day, through the next flow-determination day.
- When the flow is above the minimum on a flow-determination day, the Department may close the reach if the Department expects the flow to decrease below the minimum before the next flow-determination day.
- The Department may reopen a reach at any time if the minimum flow is exceeded, and if the Department expects it will remain exceeded until the next flow-determination day.

The wording of the existing regulations is complicated and has resulted in public confusion and numerous inquiries to the Department regarding its authority to close the fishery on the flow-determination day when the flow is above the minimum. Clarification is needed.

This proposed regulation change would add two words ("or on") to Section 8.00 (a) to clarify implementation. When the flow is above the minimum on a flow-determination day, the Department may close the reach if it expects the flow to decrease below the minimum before "or on" the next flow-determination day. This change would reduce confusion for anglers and Department staff time for public inquiries. Additionally, the north coast low-flow information telephone number at the end of Section 8.00(a) has changed because the information line was relocated from Eureka (707-442-4502) to Arcata (707-822-3164).

Extend Middle Fork Eel River Low-Flow Restrictions Reach (Section 8.00(a)(2))

Existing special stream regulations (Section 7.50(b)(63)(D)) designate a reach of the Middle Fork Eel River, from its mouth upstream to Bar Creek, as open to fishing. This reach is about 35 miles long. The open season in this reach is January through May and July 16 through September. Existing low-flow restriction regulations (Section 8.00(a)(2)) specify the low-flow restriction reach of the Middle Fork Eel as the mouth upstream to the Black Butte River. This reach is about 32 miles long, and low-flow restrictions are in effect October through January.

The result of the above is a 3 mile reach of the Middle Fork Eel (from Black Butte River upstream to Bar Creek) that, during the month of January, is open to fishing but not subject to low-flow closure. This is an inconsistency in the regulations, and it allows angling for adult salmonids in January without the protection of low-flow closure. The main adult salmonid present at this time of year is winter-run steelhead (federally

listed as threatened). Additionally, some coastal Chinook, which are also federally listed as threatened, may also be present (January is late in the run).

The proposed regulation change would extend the low-flow restriction reach upstream 3 miles to the mouth of Bar Creek. This would make the low-flow regulations consistent with the special stream regulations, and provide low-flow closure protection in that 3 mile reach.

Reduce Low-Flow Restriction Reach for South Fork Smith River (Section 8.00(a)(7))

Existing special stream regulations (Section 7.50(b)(180)(C)) designate two reaches on the South Fork Smith River as open to fishing: from the mouth upstream to the County Road (George Tryon) bridge (about 1,000 feet); and from Craigs Creek to Jones Creek (about 14 miles). The reach between those two open reaches (from George Tryon Bridge upstream to Craigs Creek, about 1.9 miles), is closed to fishing.

Existing low-flow restriction regulations (Section 8.00(a)(7)) designate the low-flow restriction reach of the South Fork Smith River as the mouth upstream to Jones Creek, which includes the closed reach from George Tryon Bridge to Craigs Creek. Thus the reach subject to low-flow restriction includes a portion of stream about 1.9 miles long that is closed to fishing all year. This inconsistency is confusing and may lead some anglers to believe the closed reach from George Tryon Bridge to Craigs Creek is actually open to fishing.

This proposed regulation change would correct the inconsistency by reducing the existing low-flow restriction reach to conform with the reaches open to fishing in the special stream regulations. This proposed change would provide better public understanding and compliance with fishing regulations, reduce staff time to address public inquiries, and may spare some anglers a citation.

Amend Section 5.00, Section 5.30, Section 5.40, Section 5.82, subsections (b)(1.5), (b)(128), (b)(147) and (b)(182) of Section 7.50, and Add Section 5.70, Section 5.83 and subsection (b)(181.8) of Section 7.50 Title 14, California Code of Regulations

Re: Sport Fishing Bag Limits

This Department proposal is a combination of Department and public requests for Title 14, California Code of Regulations (CCR) revisions to sport fishing bag limits for the 2009 triennial sport fishing review cycle. This proposal modifies bag limit regulations for black bass in Lake Perris, crappie, sunfish, lamprey, Sacramento splittail, Alameda Creek and tributaries,

Nacimiento River, Putah Creek, and Lake Sonoma and tributaries.

For public notice purposes to facilitate Commission discussion, the Department is proposing the following changes to current regulations as discussed in the following paragraphs:

LAKE PERRIS BLACK BASS REGULATIONS

In October 2005, the Department of Water Resources, Division of Dam Safety, determined the dam at Lake Perris was unsafe due to concerns about stability during an earthquake. An emergency lowering of the lake surface elevation by 25 feet was necessary to meet safety standards. This lowering reduced the water surface area by 20% and the lake volume by 43%. Population estimates for 12 inch and larger largemouth bass conducted pre and post drawdown, have shown a 60 to 67 percent decline in bass numbers. This population decline is due to reduced water volume, lack of suitable habitats, concentration of fish, lack of recruitment and predation. Angling pressure for bass has decreased during this period due to fewer boats allowed to launch and a 75% reduction in the number of team tournaments held.

Recent general fish surveys have confirmed that since the drawdown all year classes of bass are very weak and may not sustain the fishery with normal fishing pressure and harvest. Lake Perris was known as a trophy bass fishery, but under the current recruitment conditions, production of larger fish is in doubt.

Unlike most of the water bodies in southern California, significant portions of bass caught from shore were kept as food. Raising the minimum legal size reduces this impact by restricting anglers to harvesting only larger bass, which are not as common in the areas accessible to shore anglers. The Department has established a successful put-and-take trout fishery and this will help mitigate the impacts to shore anglers wanting fish for consumption. The trout fishery could be experiencing increased utilization, as fish confined to the smaller body of water are more available to the anglers.

Upon completion of the dam repair project and water levels returning to full pool, we estimate the bass fishery will take 5 to 10 years to return to pre-drawdown numbers. The Department is implementing habitat improvement projects within Lake Perris which should help maintain the existing fishery and expedite recovery with restoration of the water level. Upon re-establishment of the fishery, the regulations will return to the statewide standards for size and bag limits.

The largemouth bass population in Lake Perris has continued to decline since the 2005 drawdown, it is ex-

tremely important that approval of this regulation change occur during this cycle.

Amend Section 5.00, Black Bass Regulations.

- Add Perris Lake regulations to establish a bag limit of 2 fish with a minimum size of 15 inches.

- Additional minor changes are proposed for clarity and to reduce public confusion.

CRAPPIE, SUNFISH AND TILAPIA

Presently crappie has a 25 fish bag limit where as sunfish and tilapia have no limit. The Law Enforcement Division has seen an increase in the illegal commercialization of sunfish in recent years. With no bag limit on sunfish, there is no way to regulate the amount of fish that can be taken, therefore increasing the ease of supply for a commercial demand. Sunfish are also commonly used for bait on illegal long lines in inland waters.

The Department's Law Enforcement Division is proposing to establish a statewide combined bag limit of 25 sunfish and crappie to combat illegal commercialization of sunfish and crappie and improve compliance with existing regulations.

Amend Section 5.30, Crappie Regulations.

- Move crappie regulations to Section 5.82 to establish a statewide combined bag limit with sunfish.

- Add cross reference to section 5.82 for clarity.

Amend Section 5.82, Sunfish and Tilapia Regulations.

- Move tilapia regulations to Section 5.83.

- Establish combined bag limit of 25 sunfish and crappie except in Barrett and Upper Otay Lakes where there is a zero bag limit.

- Add crappie size limit of 10 inches for Hodges and El Capitan Lakes.

Add Section 5.83, Tilapia Regulations.

- Add tilapia open seasons of all year except for district and special regulations closures.

LAMPREY REGULATIONS

The Department proposes to establish a bag limit of 5 for Pacific Lamprey within state waters. Pacific Lamprey stocks are depressed throughout much of its west coast range. The Pacific Lamprey Conservation Initiative is an effort presently led by the U.S. Fish and Wildlife Service (FWS) to facilitate communication and coordination relative to the conservation of Pacific lampreys throughout their range. The goal of the initiative is to develop a Pacific Lamprey Conservation Plan that will lead to restored Pacific lamprey populations and improvement of their habitat.

This initiative is addressing the consideration of Pacific Lamprey when implementing instream activities, mercury contamination and bioaccumulation, spawn-

ing characteristics, biological and ecological needs, and threats. Department staff are part of this conservation initiative. The Department proposed to establish California bag limits similar to other west coast states as a reasonable management measure.

Amend Section 5.40, Lamprey Regulations.

- Reduce bag limit to 5 lamprey.
- Remove traps from approved methods of take.
- Additional minor changes are proposed for clarity and to reduce public confusion.

SPLITTAIL REGULATIONS

Sacramento splittail is a native minnow once listed as a Threatened Species under Federal Endangered Species Act. The original listing was due to extensive habitat loss and fluctuations in abundance. Though the species is no longer listed, the decision was controversial and under regional examination.

Splittail are the object of a sport fishery primarily focused on the spawning grounds during spawning season. The species is also used as bait. Existing sport fishing regulations have no limits for splittail. This proposal will add protections for splittail that are consistent with new concerns about the species.

Add Section 5.70, Sacramento Splittail Regulations.

- Add bag limit of 2 fish.
- Restrict methods of take to angling only.

ALAMEDA CREEK SPECIAL REGULATIONS

There are substantive efforts underway to provide fish passage over the 100% migration barriers in the Alameda Creek flood control channel. While working to provide passage for anadromy, members of the Alameda Creek Work Group are, in the meantime, annually relocating anadromous steelhead from below the lower-most barrier in Alameda Creek to locations upstream of this barrier.

As part of early planning efforts to jumpstart the anadromous steelhead run, the Department is currently considering utilizing the land-locked steelhead populations located upstream of San Antonio and Calaveras Reservoirs as a genetic source of steelhead to jumpstart the anadromous run. Genetic tests indicate that these land-locked populations have the genetics of Central California Coast Distinct Population Segment steelhead. Additionally, trapping efforts have indicated that these populations exhibit the behavioral and morphological characteristics of anadromous steelhead in their migration to and from the Calaveras and San Antonio reservoirs.

This proposal will provide protection for the anadromous steelhead that are annually relocated upstream of the barriers in the flood control, as well as increase protection for the possible genetic source of future steelhead enhancements.

Amend subsection 7.50(b)(1.5), Alameda Creek and Tributaries Special Regulations.

- Add year round closure for all species for areas downstream of San Antonio, Calaveras and Del Valle reservoirs.

NACIMIENTO RIVER SPECIAL REGULATIONS

Through 2008, the Department stocked the main stem of the Nacimiento River downstream of Nacimiento Dam with hatchery trout to support a fishing program at Camp Roberts. National Marine Fisheries Services (NMFS) has expressed concern in the past that hatchery trout were being stocked in a steelhead stream.

The Department and NMFS agreed that data would be collected to determine whether steelhead were being impacted by the fishing program. Otoliths were collected between 2002 and 2005. Otolith analysis by NMFS has shown that progeny of anadromous females have been taken during fishing activities in the river. The Department agreed that the stocking program would discontinue if there was evidence that steelhead were present in the mainstem of Nacimiento River downstream of the dam. The current fishing regulations were set to accommodate anglers being able to keep stocked fish.

Presently with the hatchery trout stocking being stopped, the current regulation needs to be changed to allow catch and release fishing using barbless lures. This change is consistent with fishing regulations for other steelhead streams in the South Central District and is more protective for listed steelhead.

Amend subsection 7.50(b)(129), Nacimiento River Special Regulations.

- Establish zero bag limit for main stem below Nacimiento Dam to the confluence with the Salinas River.
- Correct abbreviation for county to align the regulatory language of this subsection with the other special regulations.

PUTAH CREEK SPECIAL REGULATIONS

A high use rainbow trout fishery exists in Putah Creek (Solano and Yolo counties) from Solano Lake to Monticello Dam partially through out-planting of the Department's hatchery produced rainbow trout. However, it is believed that this reach of stream also supports a native wild trout fishery and that this reach of Putah Creek is considered candidate wild trout water. The Depart-

ment will have a better understanding of the most appropriate management/regulations needed for that fishery following several years of monitoring.

The recent lawsuit brought against the Department on its hatchery out-planting practices resulted in a review of the effects of out-planting trout in this stream reach by the local Department biologist. It was determined that this practice may result in concerns for negative interactions with various listed species.

The out-planting of Department hatchery produced rainbow trout has been discontinued as a result until further studies can be conducted to determine this potential impact. In the absence of hatchery planted trout, angler harvest based on "put and take" management strategies could potentially impact wild populations.

Without the support of hatchery out-planting, there are concerns by the Putah Creek Trout local angling group that a 5 fish general trout limit would deplete this fishery over time in the 10.5 km reach of Putah Creek and Lake Solano.

Amend subsection 7.50(b)(147), Putah Creek Special Regulations.

— Establish zero bag limit for Putah Creek from Solano Lake to Monticello Dam.

— Correct abbreviation for county to align the regulatory language of this subsection with the other special regulations.

SONOMA LAKE SPECIAL REGULATIONS

Dry Creek, tributary to the Russian River in Sonoma County was dammed in 1983 by the US Corps of Engineers, forming what is now Lake Sonoma. The Lake now harbors a small population of large native rainbow trout (formerly sea-run steelhead) which inhabit the cooler deep waters of the lake and are targeted by fishermen during the spring, summer and fall. No stocking of hatchery rainbow trout has occurred, although largemouth bass and catfish have been stocked in the reservoir, so the lake receives year-round fishing interest and moderate fishing pressure.

The local fishermen have raised concerns for the status of the trout population over the last 3 years due to the recent drought conditions, increased fishing pressure and the applicability of a statewide regulation of 5 trout per day on a landlocked population that is not supplemented by hatchery fish. Because of the popular status of the fishery, the integrity of the population, and the interest by fishermen, the lake is currently under assessment and evaluation by the Department for proposed designation as a Wild Trout Water, thus angler surveys have been conducted over the past 18 months. Reconnaissance surveys of the lake's tributary streams where

adults spawn have been conducted and the depressed conditions have been verified over the last two years.

Add subsection 7.50 (b)(181.8), Sonoma Lake Special Regulations.

— Establish a year round two fish bag limit for Sonoma Lake.

Amend subsection 7.50(b)(182), Sonoma Lake Tributaries Special Regulations.

— Reduce bag limit in Sonoma Lake tributaries to two fish.

Amend Section 29.80, Title 14, California Code of Regulations Re: Gear Restrictions

29.80(b) states that spiny lobster may be taken by baited hoop nets. There is currently no definition of what a baited hoop net is. For many years a hoop net consisted of two hoops connected by net meshing. The top hoop was larger than the bottom hoop. When the hoop net sat on the bottom of the ocean it laid flat. When lobster fed on bait attached to the hoop net they were free to come and go with nothing keeping them in the hoop net. When it was raised to the surface the net meshing stretched out between the hoops and it caught anything that was feeding in the net at the time it was raised.

Within the last couple of years there have been several types of devices developed that are being called hoop nets. These newly created devices are becoming more and more efficient and are beginning to have the design and are fishing like a trap. Section 29.80(a)(2) prohibits the use of traps to take lobster. These newly designed devices consist of an upper and lower metal hoop. The bottom hoop is approximately 3 feet in diameter. The upper hoop is about 1–2 feet in diameter. The two hoops are separated with 3–4 rigid pieces of metal approximately 6–12 inches in length, which are connected to both hoops so the upper hoop sits about 6–12 inches above the lower hoop. Between the two hoops is mesh netting. When the device sits on the ocean floor, the top hoop is supported by rigid arms which allow the top hoop to sit above the lower hoop with mesh netting raised in between the two hoops. A lobster will climb up the outside of the mesh netting and enter the top of the device. It then climbs into the net to get to the bait. Depending on the height of the upper hoop, the lobster may or may not be able to exit the device. When the lobster needs to make a quick escape, such as when the device is moved, the lobster swims backwards into the mesh netting and cannot escape. It is also questionable whether a small lobster, once inside the net, can crawl out of the net. This could be an issue if the device was lost and

the small lobster could not be released back into the open ocean waters.

Wardens in the field are also commenting on the popularity and efficiency of the newly designed devices. The wardens are finding the success of those using the new devices much greater than those using the old style hoop net that lays flat on the ocean floor until lifted. The field wardens feel some of these "devices" act like a trap, however, there is no definition of what a legal hoop net is supposed to look like. A definition of a hoop net is needed to make the methods of take for lobster enforceable.

The Department is providing two options for the definition of a hoop net for the commission to decide on which definition should be used. The definitions will include the traditional style hoop net that lies flat on the ocean floor as well as the new style device that has the second smaller ring that sits 6–12 inches off of the ocean floor.

As of July 1, 2009, the Department had entered data from 2716 lobster report cards. It is estimated that there are 22,000 to 25,000 lobster report cards to be turned in from the 2008 lobster season. Of the 2716 cards, the data showed that there were 790 people using traditional style hoop nets to take lobsters. There were 531 people using the new style devices. The current data shows that there is a 1.81 catch per outing with the old style hoop nets and a 2.43 catch per outing with the new style devices. These figures come from approximately 10% of the total lobster report cards.

By creating a definition of a hoop net that requires the main parts of the hoop net to lay flat on the ground and not have an elevated upper hoop ring, the lobster will be able to move more freely in and out of the hoop net and therefore keep the sport take of lobster at a more historical level and not have a detrimental impact on the overall lobster resource.

Since there is no current definition of a hoop net, enforcement officers have a hard time proving that a modified or newly designed device is trapping the lobster and therefore is considered a trap, which is unlawful to use. With the newly designed device, the device contains both hoops and mesh netting therefore creating a "hoop net." However the design acts as a trap at times.

The current wording in subsection 29.80(b) needs to be written in a way that makes the intention of the section more enforceable. Currently a person may not fish with more than 5 baited hoop nets south of Point Arguello while taking crabs and lobsters. The wording "fished" and "baited" make this section hard to enforce. In order to meet the elements of a crime, the nets in the water have to be baited. If the lobster or crabs eat the bait when in the water prior to the warden pulling the hoop net, there would be no violation since the net is not

baited. New wording needs to be added to the section making the limit for hoop nets, a possession limit, not a "fished" limit. This way the section can be enforceable.

There is a restriction in the regulations that no hooked device be possessed while diving for crustaceans. It is common for wardens to contact divers with spears when diving for lobsters. Some of the spears have barbs (hooked devices) and some do not. Spears, such as Hawaiian slings, usually do not have barbs but do have long handles. The spear is capable of assisting in the take of lobsters without leaving spear holes in the lobster. Enforcement recommends that spears or hooked devices not be allowed to be possessed while diving or attempting to dive for crustaceans.

Amend Section 29.90, Title 14, California
Code of Regulations
Re: Spiny Lobsters

Pursuant to Section 29.90, Title 14, CCR, the legal size for spiny lobster is three and one-fourth inches measured in a straight line on the mid-line of the back from the rear edge of the eye socket to the rear edge of the body shell or carapace. This measurement relies on the lobster being kept in a condition where the body stays in a whole condition and the tail is not separated. If a person were to possess only the tail portion of the spiny lobster, there would be no way to determine if the lobster tail possessed came from a legal sized lobster.

Fish and Game Code Section 5508 makes it unlawful to possess on a boat or bring ashore any fish upon which a size or weight limit is prescribed in such a condition that its size or weight cannot be determined. This section makes it unlawful to possess lobster tails on boats or for divers to bring ashore only the tails of the lobster taken. This section does not cover lobster taken on piers or jetties or lobster already brought ashore. If a person is on shore and possesses only the lobster tail there is no way to determine if the lobster was legal size, and there are no requirements to keep a lobster in a whole condition once it is brought on shore.

Biologists for the Department of Fish and Game have attempted to determine a correlation with the tail length and the carapace length of the spiny lobster. However, due to environmental conditions and their method of growth there is not a uniform (or consistent) correlation between the two lengths.

The proposed amendment would require lobster to be kept in a whole condition until being prepared for immediate consumption. This will ensure that a lobster would be kept in a measurable condition and its legal size could be determined when checked on the shore.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, 17980 County Road 94B, Woodland, California, on Thursday, October 1, 2009 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, 17980 County Road 94B, Woodland, California, on Thursday, November 5, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before Friday, October 30, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov, but must be received no later than Thursday, November 5, 2009 at the hearing in Woodland.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the State of California, Department of General Services Auditorium, Ziggurat Building, 707 Third Street, First Floor, West Sacramento, California, on December 10, 2009, at 8:30 a.m., to consider adoption of the proposed Sport Fishing Regulations for the 2010 through 2012 seasons. Additional testimony on the proposed regulations may be received if substantive changes result from the November 5, 2009, meeting or if regulatory alternatives are under consideration.

Draft environmental documents associated with the proposed regulatory actions are made available for comment commencing September 18, 2009. Oral or written comments relevant to these documents will be received at the November 5, 2009, meeting in Woodland. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., November 5, 2009. Draft environmental documents are available for review at the Commission office and at the Department of Fish and Game's headquarters office (same address as Commission). Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Bishop, Eureka, Menlo Park, Monterey, Ontario and San Diego. **NO WRITTEN COMMENTS ON THE DRAFT ENVIRONMENTAL DOCUMENTS WILL BE ACCEPTED AFTER 5:00 P.M. ON NOVEMBER 5, 2009.**

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are

on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon D. Snellstrom at the preceding address or phone number.

Scott Barrow, Department of Fish and Game, phone (916) 445-7600, has been designated to respond to questions on the substance of the proposed regulations.

Copies of the initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Sections 1.54, 2.00, 2.09, 2.30, 3.00, 5.15, 5.37, 5.51, 5.60, 7.00, 7.50, 27.80, and 700

Re: Minor Regulatory Revisions and Cleanup

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

**Section 1.74, 5.87, 7.50, 8.00, and Section 701
Re: Report Card and Low-Flow Regulations**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

Sections 5.00, 5.30, 5.40, 5.82, 5.70, 5.83, and 7.50

Re: Sport Fishing Bag Limits

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

**Section 29.80
Re: Gear Restrictions**

Proposal #1 may have an economic impact on those who currently sell the new style device that has the ring that sits above the ocean floor when deployed. The company that has a patent on the new style devices also manufactures the old style hoop net. If the new style device were banned, they could still sell the old style hoop net throughout the State.

**Section 29.90
Re: Spiny Lobsters**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulation only involves the possession of sport taken lobster.

All Proposed Sections

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

**Section 29.80
Re: Gear Restrictions**

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. People who currently possess the rigid type device may be able to modify the device by cutting off the rigid pieces of metal which would allow the net to lie flat. This device would then fit the proposed definition of a hoop net. The estimated cost of the new style device is \$20 – \$40 without the line and float rigging.

All Other Proposed Sections

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

All Sections

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. BOARD OF OPTOMETRY

NOTICE IS HEREBY GIVEN that the Board of Optometry (hereafter “Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, in-

cluding those sent by mail, facsimile, or e-mail must be received by the Board of Optometry not later than 5:00 p.m. on October 12, 2009 and sent to the address listed under Contact Person in this Notice.

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from an interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text with the exception of technical or grammatical changes. The full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 3025 and 3041.2 of the Business and Professions Code, and to implement, interpret or make specific Sections 2266, 3027.5, 3041, 3041.1, 3108, and 3109 of said Code, the Board of Optometry is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Repeal section 1569.

BPC section 3025 allows the Board to make and promulgate rules and regulations governing procedures of the Board, the admission of applicants for examination for certificates of registration as optometrists, and the practice of optometry.

In its current form, 16 CCR 1569 is a replication of BPC section 3041 before it was amended on September 26, 2008 by Senate Bill 1406 (Chapter 352, Statutes of 2008, Correa), effective January 1, 2009. BPC section 3041 is a self-executing statute and does not need any regulations. Amending 16 CCR 1569 would only mimic this statute again and not further clarify or effectuate the statute. Thus, the Board proposes to repeal 16 CCR 1569 in order to reduce confusion and avoid duplication.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Cost/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The Board of Optometry has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board of Optometry has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board of Optometry has determined that the proposed repeal of this regulation would have no effect on small businesses. Businesses can refer to BPC 3041 when looking for information in regards to licensure and that is no cost to them.

CONSIDERATION OF ALTERNATIVES

The Board of Optometry must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this notice.

Any interested person may present written statements relevant to the above determinations to the Board of Optometry at the address referred to below.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Optometry at 2420 Del Paso Road, Suite 255, Sacramento, California 95834, or from the Board of Optometry web-site at www.optometry.ca.gov.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web-site listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be Addressed to:

Name: Andrea Leiva
Address: 2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Telephone Number: (916) 575-7182
Fax Number: (916) 575-7292
E-mail Address: andrea_leiva@dca.ca.gov

The backup contact person is:

Name: Mona Maggio
Executive Officer
Address: 2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Telephone Number: (916) 575-7176
Fax Number: (916) 575-7292
E-mail Address: mona_maggio@dca.ca.gov

Optometry Board web-site access: Information regarding this proposal can be found at www.optometry.ca.gov, click "Laws and Regulations", then "Proposed Regulations".

TITLE 22. DEPARTMENT OF AGING
NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO TITLE 22. CALIFORNIA
CODE OF REGULATIONS
REGARDING AREA PLANS — ALLOCATION,
USE AND TRANSFER OF FEDERAL FUNDS

DIVISION 1.8. CALIFORNIA
DEPARTMENT OF AGING

The California Department of Aging (Department) proposes to adopt the regulatory action described in the Informative Digest after considering all comments, objections or recommendations regarding the proposed action.

HEARING

Any person interested may present statements or arguments orally or in writing relevant to the proposed regulation at a public hearing to be held on Monday October 12, 2009, as follows:

DATE — October 12, 2009
California Department of Aging
1300 National Drive, Suite 200
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

WRITTEN COMMENT PERIOD

Any interested party may submit written comments on the proposed action. The written comment period closes at 5:00 p.m. on October 12, 2009. Comments must be received by that time at the California Department of Aging, Office of Legal Services, 1300 National Drive, Suite 200, Sacramento, California 95834.

The Department, upon its own motion or at the request of any interested party, may adopt the proposal substantially as described or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of non substantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify at the hearing, or who submit written comments during the public comment period.

od, or who request notification of any changes to the proposal. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulation and the Initial Statement of Reasons are available from the office listed below. This Notice, the Initial Statement of Reasons, and the text of the proposed regulation are available on the Internet at <http://www.aging.ca.gov>. Additionally, all the information that the Department considered as the basis for the proposed regulation (i.e. rulemaking file) is available for public review at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

California Department of Aging
Chief Counsel's Office
1300 National Drive, Suite 200
Sacramento, California 95834
Chisorom U. Okwuosa
TELEPHONE: (916) 419-7508
FACSIMILE (916) 928-2267
E-MAIL: Cokwuosa@aging.ca.gov

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This regulation interprets and makes specific Sections 3025(a)(2)(C), 3028, 3030a, 3030s-1, and 3058a of Title 42 of the United States Code and Sections 9100, 9112, and 9719.5 of the Welfare and Institutions Code regarding the allocation, use, and transfer of federal funds to the area agencies on aging (AAA).

The Department is responsible for setting consistent statewide policy for the prudent use of Older Americans Act (OAA) program funds. The broad objective of this proposal is to specify that federal funds which are annually reallocated to the Area Agencies on Aging (AAAs) may be used for baseline services. Current regulations authorize the Department to re-allocate to the AAAs the following categories of federal funds: 1) funds that are not spent or encumbered by the AAA for services provided by the end of the state fiscal year; 2) funds recovered by the Department as a result of audit determinations and resolutions; and 3) supplemental funds provided by the Administration on Aging during the federal reallocation process.

Also, current regulations restrict the use of the re-allocated funds to three purposes and prohibit the use of re-allocated funds for baseline services. The severity of

the State budgetary cuts, which reduced or eliminated State General Fund support from the programs, has resulted and will continue to result in a decrease in the level of services. This proposal would eliminate the prohibition against using re-allocated funds for baseline services and add baseline services as the fourth allowable purpose of the reallocated funds.

Allocation of Unexpended Funds

Ongoing OAA Programs. Current regulations provide that OAA funds allocated to an AAA in a state fiscal year that are not expended or encumbered for services and administration by June 30 of that fiscal year shall revert back to the Department for reallocation to all AAAs. Also, current regulations prohibit the use of reallocated funds to increase baseline services. This proposal will delete the prohibition and allow the AAA to use reallocated funds for baseline services.

New OAA Programs. Current regulation provides that federal funds allotted by the Administration on Aging to the Department for the implementation of new programs may be re-allocated in the subsequent fiscal year for up to four years to the same AAA that received the original allocation. Also, current regulations prohibit the use of federal funds allocated for new programs to increase baseline services. This proposal will delete the prohibition and allow the AAA to use federal funds allocated for new programs for baseline services.

Allocation of Audit Funds

Current regulations specify a method for allocating Title II and VII funds, which have been recovered from an AAA as a result of a fiscal audit determination and resolution. Also, current regulations prohibit the use of funds recovered from an AAA as a result of a fiscal audit determination and resolution to increase baseline services. This proposal will delete the prohibition and allow the AAA to use funds recovered from an AAA as a result of a fiscal audit determination and resolution for baseline services.

Allocation of Supplemental Federal Funds

Current regulations specify the method of allocation of these supplemental Title III and Title VII program funds and provide that supplemental funds, which are not expended or encumbered by June 30 of the same fiscal year, shall revert back to the Department and be re-allocated to all AAAs in accordance with the formula used for the original allocation. Also, current regulations prohibit the use of supplemental funds to increase baseline services. This proposal will delete the prohibition and allow the AAA to use supplemental funds for baseline services.

Use of Federal Funds

Current regulations specify the following three allowable purposes for which AAAs can use unexpended or unencumbered Title II and VII baseline and supple-

mental funds, or funds recovered from an AAA as a result of a fiscal audit determination and resolution: 1) purchase of equipment which enhances the delivery of services to eligible service population; 2) home and community-based projects, which are approved in advance by the Department, and are designed to address the unmet needs of the eligible service population identified in the area plan, and 3) innovative pilot projects, which are approved in advance by the Department, and which are designed for the development or enhancement of a comprehensive and coordinated system of services. This amendment would add "baseline services" as the fourth allowable purpose in order to grant the AAA greater flexibility on how to spend the reallocated funds.

LOCAL MANDATE STATEMENT

This proposed regulation imposes a mandate on local agencies but not on school districts. If the Commission on State Mandates determines that these regulations contain reimbursable costs mandated by the state, reimbursement to local agencies for those costs shall be made pursuant to Government Code, Section 17500.

FISCAL IMPACT

1. Costs or Savings to State Agencies: None.
2. Cost to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The Department has determined that there is no impact on small businesses as a result of filing this regulation because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

The Department adopts this regulation under the authority granted in Section 9105 of the Welfare and Institutions Code. Subject regulations implement and make specific 42 U.S.C. 3025(a)(2)(C), 42 U.S.C. 3028, 42 U.S.C. 3030a, 42 U.S.C. 3030s-1, 42 U.S.C. 3058a, and Welfare and Institutions Code Sections 9100, 9112 and 9719.5.

REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person	Chisorom U. Okwuosa	(916) 419-7508
Backup:	Ed Long	(916) 419-7542

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) REGARDING THE ADOPTION BY REFERENCE OF THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) WITH PROPOSED AMENDMENTS INTO THE 2010 CALIFORNIA BUILDING CODE (CBC) CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2 (HCD 1/09)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to, building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. HCD is proposing building standards related to the International Building Code (IBC).

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from **August 28, 2009, until 5:00 p.m. on October 12, 2009**. Please address your comments to:

**California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director**

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that

are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). The CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000-17062.5, 17910-17995.5, 18200-18700, 18860-18874, and 19960-19997; and Government Code Sections 12955.1 and 12955.1.1. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17050, 17920.9, 17921, 17921.3, 17921.6, 17921.10, 17922, 17922.6, 17922.12, 17927, 17928, 17959.6, 18300, 18552, 18554, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18871.3, 18871.4, 18873, 18873.1-18873.5, 18938.3, 18944.11 and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 17921 and Government Code Section 12955.1 require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Health and Safety Code Sections 17922 and 19990 require that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 also states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Sections 18300, 18620, 18640, 18865, 18873 and 18873.2 require HCD to

adopt building standards for mobilehome parks and special occupancy parks.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Summary of Existing Regulations

The California Building Code, Part 2 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2006 International Building Code (IBC), with California amendments, effective on January 1, 2008.

The purpose of this code is to establish the minimum requirements necessary to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, accessibility, use and occupancy, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment.

Summary of Effect

HCD proposes to adopt by reference the 2009 edition of the IBC, with California amendments, as indicated on the proposed Matrix Adoption Table, into Title 24, Part 2 of the CCR for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the federal Fair Housing Amendments Act and state law accessibility requirements, except where the application is for public use only.
- b) Employee Housing Act: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- c) Mobilehome Parks or Special Occupancy Parks: relative to the design or construction of permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code Sections 18300, 18620, 18640, 18865, 18865.3, 18873 and 18873.2.
- d) Factory-Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

The amendments provide consistency with model code format, state and federal laws and regulations, and unique California conditions. In addition, the amendments provide clarity and specificity, and give direction for the code user.

An in-depth discussion of the effect of the amendments may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will adopt, amend or repeal existing building standards and establish new building standards which will affect the following: residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; the use of General Design, Structural, and Fire and Life Safety Requirements in housing construction, buildings and structures accessory thereto; and permanent buildings in mobilehome parks and special occupancy parks.

OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR TO ANY SPECIFIC REGULATION
OR CLASS OF REGULATIONS

None.

MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.

- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by HCD, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public review, by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rule-making documents will be posted on HCD's website at http://www.hcd.ca.gov/codes/shl/2010codeadopt-proj_part2.html.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website or HCD's website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Tom Morrison
(tom.morrison@dgs.ca.gov)

CBSC Back-up: If the contact person is unavailable, please contact Jane Taylor (jane.taylor@dgs.ca.gov) at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Emily Withers
District Representative
Division of Codes and Standards
Department of Housing and Community Development
Telephone: (916) 322-5129
E-mail: ewithers@hcd.ca.gov
Fax: (916) 327-4712

Back-up:

Shawn Huff
Housing Standards Programs Manager
Division of Codes and Standards
Department of Housing and Community Development
Telephone: (916) 445-9471
E-mail: shuff@hcd.ca.gov
Fax: (916) 327-4712

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

**NOTICE OF PROPOSED ACTION
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE
MARSHAL (SFM)
REGARDING THE ADOPTION
BY REFERENCE OF THE
2008 EDITION OF THE NATIONAL
ELECTRICAL CODE (NEC)
WITH AMENDMENTS INTO THE 2010
CALIFORNIA ELECTRICAL CODE (CEC)
CALIFORNIA CODE OF REGULATIONS
TITLE 24, PART 3**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The SFM is proposing building standards related to the 2008 National Electrical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted by the California Building Standards Commission regarding the proposed changes from August 28, 2009 until 5 p.m. on October 12, 2009. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov and either mailed or faxed to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3; and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 131133.5 The State Fire Marshal Shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and establish that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the pre-

vention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 3, 2007 California Electrical Code with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Electrical Code (California Code of Regulations, Title 24, Part 3) based upon a more current edition of a model code. The current California Electrical Code in effect is the 2007 California Electrical Code which is based upon the 2005 National Electrical Code of the National Fire Protection Association. This proposed action will:

- Repeal the adoption by reference of the 2005 National Electrical Code of the National Fire Protection Association and incorporate and adopt by reference in its place the 2008 National Electrical Code of the National Fire Protection Association for application and effectiveness in the 2010 California Electrical Code pursuant to Health and Safety Code 18928. Health and Safety

Code 18928 requires any state agency adopting model codes to adopt the most recent edition.

- Repeal certain amendments to the 2005 National Electrical Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant to Health and Safety Code 18930(a)(7).
- Adopt and implement additional necessary amendments to the 2008 National Electrical Code that address inadequacies of the 2008 National Electrical Code as they pertain to California laws.
- Bring forward previously existing California amendments, which represent no change in their effect from the 2007 California Building Standards Code.
- Codify non-substantive editorial and formatting amendments from the format based upon the 2005 National Electrical Code to the format of the 2008 National Electrical Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The broad objectives of these proposed regulations is to specifically comply with Health and Safety Code Section 18928 that requires each proposing state agency to take action on the model code within one year after its publication.

The intent of this proposed action is to adopt by reference the 2008 edition of National Electrical Code and amend said document with existing 2007 SFM amendments. The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the National Electrical Code establish and/or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2008 National Electrical Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- Cost or Savings to any state agency: **NO**
- Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Other nondiscretionary cost or savings imposed on local agencies: **NO**
- Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), and 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at

the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Thomas L. Morrison, Deputy Executive Director
Tom.Morrison@dgs.ca.gov
(916) 263-0916
(916) 263-0959 FAX

Jane Taylor, Senior Architect
Jane.Taylor@dgs.ca.gov
(916) 263-0916
(916) 263-0959 FAX

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kevin Reinertson, Acting Division Chief
Office of the State Fire Marshal,
Code Development and Analysis Division
kevin.reinertson@fire.ca.gov
(916) 327-4998
(916) 445-8459 FAX

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL (SFM) REGARDING THE ADOPTION BY REFERENCE OF THE 2009 EDITION OF THE UNIFORM MECHANICAL CODE (UMC) WITH AMENDMENTS INTO THE 2010 CALIFORNIA MECHANICAL CODE (CMC) CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 4

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office

of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The SFM is proposing building standards related to the 2009 Uniform Mechanical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted by the California Building Standards Commission regarding the proposed changes from August 28, 2009 until 5 p.m. on October 12, 2009. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov and either mailed or faxed to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3; and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5 The State Fire Marshal Shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and establish that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of

Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 4, 2007 California Mechanical Code with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Mechanical Code (California Code of Regulations, Title 24, Part 4) based upon a more current edi-

tion of a model code. The current California Mechanical Code in effect is the 2007 California Mechanical Code which is based upon the 2006 Uniform Mechanical Code of the International Plumbing and Mechanical Officials. This proposed action will:

- Repeal the adoption by reference of the 2006 Uniform Mechanical Code of the International Plumbing and Mechanical Officials and incorporate and adopt by reference in its place the 2009 Uniform Mechanical Code of the International Plumbing and Mechanical Officials for application and effectiveness in the 2010 California Mechanical Code pursuant to Health and Safety Code 18928. Health and Safety Code 18928 requires any state agency adopting model codes to adopt the most recent edition.
- Repeal certain amendments to the 2006 Uniform Mechanical Code and/or California Building Standards not addressed by the model code that are no longer necessary pursuant to Health and Safety Code 18930(a)(7).
- Adopt new building standards or necessary amendments to the 2009 Uniform Mechanical Code that address inadequacies of the 2009 Uniform Mechanical Code as they pertain to California laws.
- Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2007 California Building Standards Code.
- Codify non-substantive editorial and formatting amendments from the format based upon the 2006 Uniform Mechanical Code to the format of the 2009 Uniform Mechanical Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The broad objectives of these proposed regulations is to specifically comply with Health and Safety Code Section 18928 that requires each proposing state agency to take action on the model code within one year after its publication.

The intent of this proposed action is to adopt by reference the 2009 Uniform Mechanical Code and amend said document with existing 2007 SFM amendments. The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Mechanical Code establish and/or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as de-

fined in each of the Health and Safety Code references shown above in the summary of existing laws.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2009 Uniform Mechanical Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), and 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly

affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as ef-

fective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Thomas L. Morrison, Deputy Executive Director
Tom.Morrison@dgs.ca.gov
(916) 263-0916
(916) 263-0959 FAX

Jane Taylor, Senior Architect
Jane.Taylor@dgs.ca.gov
(916) 263-0916
(916) 263-0959 FAX

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kevin Reinertson, Acting Division Chief
Office of the State Fire Marshal,
Code Development and Analysis Division
kevin.reinertson@fire.ca.gov
(916) 327-4998
(916) 445-8459 FAX

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL (SFM) REGARDING THE ADOPTION BY REFERENCE OF THE 2009 EDITION OF THE UNIFORM PLUMBING CODE (UPC) WITH AMENDMENTS INTO THE 2010 CALIFORNIA PLUMBING CODE (CPC) CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 5

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The SFM is proposing building standards related to the 2009 Uniform Plumbing Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted by the California Building Standards Commission regarding the proposed changes from August 28, 2009 until 5 p.m. on October 12, 2009. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov and either mailed or faxed to:

**California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director**

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantial-

ly as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3; and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5 The State Fire Marshal Shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and establish that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved

in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 5, 2007 California Plumbing Code with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Plumbing Code (California Code of Regulations, Title 24, Part 4) based upon a more current edition of a model code. The current California Plumbing Code in effect is the 2007 California Plumbing Code which is based upon the 2006 Uniform Plumbing Code of the International Plumbing and Mechanical Officials. This proposed action will:

- Repeal the adoption by reference of the 2006 Uniform Plumbing Code of the International Plumbing and Mechanical Officials and incorporate and adopt by reference in its place the 2009 Uniform Plumbing Code of the International Plumbing and Mechanical Officials for application and effectiveness in the 2010 California Plumbing Code pursuant to Health and Safety Code 18928. Health and Safety Code 18928 requires any state agency adopting model codes to adopt the most recent edition.
- Repeal certain amendments to the 2006 Uniform Plumbing Code and/or California Building Standards not addressed by the model code that are no longer necessary pursuant to Health and Safety Code 18930(a)(7).
- Adopt new building standards or necessary amendments to the 2009 Uniform Plumbing Code that address inadequacies of the 2009 Uniform Plumbing Code as they pertain to California laws.
- Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2007 California Building Standards Code.

- Codify non-substantive editorial and formatting amendments from the format based upon the 2006 Uniform Plumbing Code to the format of the 2009 Uniform Plumbing Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The broad objectives of these proposed regulations is to specifically comply with Health and Safety Code Section 18928 that requires each proposing state agency to take action on the model code within one year after its publication.

The intent of this proposed action is to adopt by reference the 2009 Uniform Plumbing Code and amend said document with existing 2007 SFM amendments. The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the California Plumbing Code establish and/or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the adoption by reference and the amendments relating to the 2009 Uniform Plumbing Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**

- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), and 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;

- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF RULEMAKING
DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Thomas L. Morrison, Deputy Executive Director
Tom.Morrison@dgs.ca.gov
(916) 263-0916
(916) 263-0959 FAX

Jane Taylor, Senior Architect
Jane.Taylor@dgs.ca.gov
(916) 263-0916
(916) 263-0959 FAX

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or
technical aspects of the proposed changes to the build-
ing standards should be addressed to:

Kevin Reinertson, Acting Division Chief
Office of the State Fire Marshal,
Code Development and Analysis Division
kevin.reinertson@fire.ca.gov
(916) 327-4998
(916) 445-8459 FAX

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) REGARDING THE ADOPTION BY REFERENCE OF THE 2009 EDITION OF THE UNIFORM MECHANICAL CODE (UMC) WITH PROPOSED AMENDMENTS INTO THE 2010 CALIFORNIA MECHANICAL CODE (CMC) CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4 (HCD 2/09)

Notice is hereby given that the California Building
Standards Commission (CBSC) on behalf of the De-
partment of Housing and Community Development
(HCD) proposes to adopt, approve, codify, and publish
changes to building standards contained in the Califor-
nia Code of Regulations (CCR), Title 24, Part 4. HCD is
proposing building standards related to the Uniform
Mechanical Code (UMC).

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however,
written comments will be accepted from **August 28,**
2009, until 5:00 p.m. on October 12, 2009. Please ad-
dress your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written comments may also be faxed to (916)
263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section
11346.5(a)(17), any interested person or his or her duly
authorized representative may request, no later than 15
days prior to the close of the written comment period
that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC
may adopt the proposed building standards substantial-
ly as proposed in this notice or with modifications that
are sufficiently related to the original proposed text and
notice of proposed changes. If modifications are made,
the full text of the proposed modifications, clearly indi-
cated, will be made available to the public for at least 15
days prior to the date on which the CBSC adopts,
amends, or repeals the regulation(s). The CBSC will ac-
cept written comments on the modified building stan-
dards during the 15-day period.

**NOTE: To be notified of any modifications, you
must submit written and/or oral comments or re-
quest that you be notified of any modifications.**

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building stan-
dards under the authority granted by Health and Safety
Code Section 18949.5. The purpose of these building
standards is to implement, interpret, and make specific
the provisions of Health and Safety Code Sections
17000-17062.5, 17910-17995.5, 18200-18700,
18860-18874, and 19960-19998; and Government
Code Sections 12955.1 and 12955.1.1. HCD is propos-
ing this regulatory action based on Health and Safety,
Code Sections 17040, 17921, 17922, 18300, 18690,
18865, 18873.4 and 19990; and Government Code Sec-
tion 12955.1.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 17921 and Govern-
ment Code Section 12955.1 require HCD to propose the
adoption, amendment, or repeal of building standards
by the CBSC.

Health and Safety Code Section 17922 requires that
the building standards be essentially the same as the

most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 also states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Sections 18300, 18690, 18865 and 18873.4 require HCD to adopt building standards for mobilehome parks and special occupancy parks.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory–built housing.

Summary of Existing Regulations

The California Mechanical Code, Part 4 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2006 Uniform Mechanical Code (UMC), with California amendments, effective on January 1, 2008.

The purpose of this code is to provide complete requirements for the design, installation and maintenance of heating, ventilating, cooling and refrigeration systems, to safeguard life, health, property and public welfare, while at the same time allowing for innovation and new technologies.

Summary of Effect

HCD proposes to adopt by reference the 2009 edition of the UMC, with California amendments, as indicated on the proposed Matrix Adoption Table, into Title 24, Part 4 of the CCR for the following programs:

- (a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto.
- (b) Employee Housing Act: relative to the use of mechanical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks: relative to the use of mechanical equipment and systems in or on any permanent buildings within the park in accordance with Health and Safety Code Sections 18300, 18690, 18865 and 18873.4.

- (d) Factory–Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with Health and Safety Code Section 19990.

These amendments bring forward previously adopted California amendments to ensure their continuation in the CMC, add banners to clarify the application and scope of the standards, provide clarity and specificity and give direction for the code user.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will adopt, amend or repeal existing mechanical standards and establish new mechanical standards which will affect the following: residential occupancies and buildings or structures accessory thereto, the use of mechanical equipment and systems in or on any building or structure or outdoors on premises or property; and the use of mechanical equipment and systems in or on any permanent buildings, accessory buildings or structures relative to residential buildings, dwellings or portions thereof, building components, or manufactured assemblies.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

None.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non–duplication. This proposed rulemaking

incorporates specific provisions into one location with the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD which will be absorbed in the current budget.

- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Mechanical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Mechanical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Mechanical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Mechanical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by HCD, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rule-making documents will be posted on HCD's website at http://www.hcd.ca.gov/codes/shl/2010codeadopt-proj_part4.html.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website or HCD's website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Tom Morrison
(tom.morrison@dgs.ca.gov)

CBSC Back-up: If the contact person is unavailable, please contact Jane Taylor (jane.taylor@dgs.ca.gov) at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Shawn Huff
Housing Standards Programs Manager
Division of Codes and Standards
Department of Housing and Community
Development
Telephone: (916) 445-9471
E-mail: shuff@hcd.ca.gov
Fax: (916) 327-4712

Back-up:

Emily Withers
District Representative
Division of Codes and Standards
Department of Housing and Community
Development
Telephone: (916) 322-5129
E-mail: ewithers@hcd.ca.gov
Fax: (916) 327-4712

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA MECHANICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4

2009 Annual Code Adoption Cycle Adoption of the 2009 Uniform Mechanical Code

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The OSHPD is proposing building standards related to the adoption of the 2009 Uniform Mechanical Code for incorporation into the 2010 California Mechanical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 18929, 129790 and 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Communi-

ty Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18928 authorizes state agencies to adopt the most recent edition of model code, as amended or proposed to be amended by the agency, within one year of the publication date of that model code.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

OSHPD currently enforces the California Code of Regulations, Title 24, Part 4, 2007 California Mechanical Code which is based on the 2006 Uniform Mechanical Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Summary of Effect

The proposed action is to adopt the 2009 Uniform Mechanical Code for incorporation, by reference, into the 2010 California Mechanical Code and to carry forward existing California amendments related to hospi-

tals, skilled nursing facilities, licensed clinics and correctional treatment centers and to make minor editorial and technical modifications for clarification and consistency within the code. Amendments are summarized below.

- Chapter 1 — Relocating Appendix Chapter 1 from the back to the front of the code and amending the title for easier use.
- Section 203, 204 and 210 — Editorial amendments to definitions.
- Section 217 — OSHPD is adopting model code language for the definition of “Occupancy Classification” for consistency with the California Building Code.
- Section 304.2 — Relocating the amendment regarding room large in comparison to size of equipment to Section 303.2 for consistency with the 2009 Uniform Mechanical Code.
- Section 312.0 — Editorial amendment.
- Table 315.0 and Section 315.1 — Amendments regarding humidification and temperature are consistent with nationally recognized standard, ANSI/ASHRAE/ASHE Standard 170–2008, Ventilation of Health Care Facilities and 2006 Guidelines for Design and Construction of Health Care Facilities.
- Sections 316 and 316.5 — Amendments to essential mechanical provisions provide clarification and consistency with the California Electrical Code.
- Section 407.4 — Amendment regarding air circulation is consistent with nationally recognized standards, ANSI/ASHRAE/ASHE Standard 170–2008, Ventilation of Health Care Facilities and 2006 Guidelines for Design and Construction of Health Care Facilities.
- Section 407.5 — Amendment regarding variable air volume systems provides less restrictive requirements for variable air volume systems and coordinates with Table 4–A.
- Section 410.0 — Amendment regarding ventilation hoods is consistent with the nationally recognized standard, 2006 Guidelines for Design and Construction of Health Care Facilities.
- Section 416.1 — Amendment to alarms to Airborne Infection Isolation Rooms and Protective Environment Rooms is consistent with ANSI/ASHRAE/ASHE Standard 170–2008, Ventilation of Health Care Facilities.
- Section 417.0 — Amendment to testing and balancing of Airborne Infection Isolation Rooms and Protective Environment Rooms coordinates with the requirements in Section 407.3.1.

- Chapters 5, 6 & 17 — Amendments will adopt ANSI/SMACNA 006–2006 standards for metal and flexible duct systems. The 2009 UMC refers to outdated SMACNA duct construction standards (1995).
- Section 1106.3.1 — Amendment will require refrigerant service ports to be securely capped to prevent access to the chlorofluorocarbon chemical or Freon by unlicensed and untrained individuals. This requirement addresses a safety concern brought on by the rise in injuries and deaths associated with teens and adults using Freon and other chemicals as an inhalant to get high.
- Section 1131.1 — Amendment regarding plume discharge is no longer necessary because 2009 model code contains the requirement.
- Table 11–1 — Amendment is being repealed because OSHPD is adopting model code.
- Table 11–2 — Amendment to add Occupancy 1–2.1 to table is for coordination with occupancy groups in the California Building Code.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations related to this proposed action.

Policy Statement Overview

The intent of this proposed action is to adopt the most recent model code requirements for health facility construction, pursuant Health and Safety Code Section 18928. OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

OSHDP has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHDP has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2007 California Mechanical Code and to make minor modifications, as necessary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

A report applicable to businesses is not required by these regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHDP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

OSHDP has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.

- These regulations will have no effect.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
- These regulations will have no effect.
- @ The expansion of businesses currently doing business with the State of California.
- These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHDP has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHDP must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Tom Morrison, tom.morrison@dgs.ca.gov
Jane Taylor, jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Duane F. Borba, Acting Deputy Division Chief
Office of Statewide Health Planning and
Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT**

**REGARDING THE CALIFORNIA PLUMBING
CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5**

**2009 Annual Code Adoption Cycle
Adoption of the 2009 Uniform Plumbing Code**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The OSHPD is proposing building standards related to the adoption of

the 2009 Uniform Plumbing Code for incorporation into the 2010 California Plumbing Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 18929, 129790 and 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Communi-

ty Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18928 authorizes state agencies to adopt the most recent edition of model code, as amended or proposed to be amended by the agency, within one year of the publication date of that model code.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

OSHPD currently enforces the California Code of Regulations, Title 24, Part 5, 2007 California Plumbing Code which is based on the 2006 Uniform Plumbing Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Summary of Effect

The proposed action is to adopt the 2009 Uniform Plumbing Code for incorporation, by reference, into the

2010 California Plumbing Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers and to make minor editorial and technical modifications for clarification and consistency within the code. Amendments are summarized below.

- Chapter 1 — Relocating Appendix Chapter 1 from the back to the front of the code and amending the title for easier use.
- Sections 210 & 221 — Amendment to the definitions of “handwashing fixture” and “scrub sink” to allow manual temperature control. This is consistent with healthcare industry practice.
- 402.3.1 — Amendment will not allow the use of “nonwater” urinals in health facilities because of concerns regarding safety and infection control. OSHPD believes that further evaluation of the product needs to be performed to be assured that there are no public safety and environmental issues regarding its use in health facilities.
- 406.5 — Amendment is being repealed because it is unnecessary.
- 412.1 — Amendment was inadvertently eliminated during publication of the 2007 California Plumbing Code.
- Table 4-2 — Amendments to this table are for consistency and coordination with the California Building Code.
- Section 604.1, Exception 1 — Amendment prohibiting the use of CPVC piping in health facilities is being repealed. OSHPD is adopting model code requirements for use of CPVC.
- Section 606.2.4.1 — Amendment regarding joints in PVC piping is unnecessary and is being repealed.
- Section 612.2 — The last sentence of this existing amendment is being added to correct a publishing error. The sentence was inadvertently eliminated in the 2007 California Plumbing Code.
- Section 612.6 Amendment regarding domestic hot water distribution systems makes the requirements for non-recirculated fixture branch piping consistent with the nationally recognized standard, 2006 Guidelines for Design and Construction of Health Care Facilities.
- Section 613.1 — Amendment adds PVDF (polyvinylidene fluoride) as an additional piping material for use in dialysis water feedlines. This material meets the established standards of ANSI/American Association of Medical Instrumentations (AAMI) RD62.

- Section 613.7 — Amendment clarifies that water used for dialysis treatment must comply with the latest edition of ANSI/AAMI RD62, water treatment equipment for hemodialysis applications.
- Sections 701.1.2.1, 705.2.5, 903.1.2.1 & 1101.3.1 — These amendments regarding ABS and PVC piping installation are being repealed because OSHPD is adopting mode code.
- Section 705.1.1.1 — Amendment is unnecessary and is being repealed.

Comparable Federal Statute or Regulations

There is no federal statute or regulations related to this proposed action.

Policy Statement Overview

The intent of this proposed action is to adopt the most recent model code requirements for health facility construction, pursuant Health and Safety Code Section 18928. OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- Cost or Savings to any state agency: **No**
- Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- Other nondiscretionary cost or savings imposed on local agencies: **No**
- Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2007 California Plumbing Code and to make minor modifications, as necessary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

A report applicable to businesses is not required by these regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- @ The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Tom Morrison, tom.morrison@dgs.ca.gov
Jane Taylor, jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Duane F. Borba, Acting Deputy Division Chief
Office of Statewide Health Planning and
Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) REGARDING THE ADOPTION BY REFERENCE OF THE 2009 EDITION OF THE UNIFORM PLUMBING CODE (UPC) WITH PROPOSED AMENDMENTS INTO THE 2010 CALIFORNIA PLUMBING CODE (CPC) CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5 (HCD 3/09)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. HCD is proposing building standards related to the Uniform Plumbing Code (UPC).

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from **August 28, 2009, until 5:00 p.m. on October 12, 2009**. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov. Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly

authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). The CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000–17062.5, 17910–17995.5, 18200–18700, 18860–18874, and 19960–19998; and Government Code Sections 12955.1 and 12955.1.1. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18690, 18865, 18873.4 and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 17921 and Government Code Section 12955.1 require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Health and Safety Code Section 17922 requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 also states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Sections 18300, 18620, 18630, 18640, 18865, 18865.3, 18873, 18873.1 and 18873.2 require HCD to adopt building standards for plumbing, including toilets, showers, and laundry facilities, in mobilehome parks and special occupancy parks which HCD determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act and the Special Occupancy Parks Act.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Summary of Existing Regulations

The California Plumbing Code, Part 5 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2006 Uniform Plumbing Code (UPC), with California amendments, effective on January 1, 2008.

The purpose of this code is to establish the minimum requirements necessary to safeguard life, health, property and public welfare, while at the same time allowing for innovation and new technologies.

Summary of Effect

HCD proposes to adopt by reference the 2009 edition of the UPC, with California amendments, as indicated on the proposed Matrix Adoption Table, into Title 24, Part 5 of the CCR for the following programs:

- (a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto.
- (b) Employee Housing Act: relative to the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks: relative to the use of plumbing equipment and systems in or on any permanent buildings within the park in accordance with Health and Safety Code Sections 18300, 18690, 18865 and 18873.4.
- (d) Factory-Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with Health and Safety Code Section 19990.

These amendments bring forward previously adopted California amendments to ensure their contin-

uation in the CPC, provide consistency with model code format, state and federal laws and regulations, and address conditions unique to California. Additionally, the amendments clarify the application and scope of the standards, provide specificity and give direction for the code user.

An in-depth discussion of the effect of the amendments may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will adopt, amend or repeal existing plumbing standards and establish new plumbing standards which will affect the following: residential occupancies and buildings or structures accessory thereto, the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property; the use of plumbing equipment and systems in or on any permanent buildings, accessory buildings or structures relative to residential buildings, dwellings or portions thereof, building components, or manufactured assemblies, housing construction, buildings and accessory thereto, and permanent buildings in mobilehome parks and special occupancy parks.

OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR TO ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS

None.

MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the California Building Standards Code to

meet these requirements. This action will result in a minimal cost to HCD which will be absorbed in the current budget.

- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by HCD, or that has otherwise been identi-

fied and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rulemaking documents will be posted on HCD's website at http://www.hcd.ca.gov/codes/shl/2010codeadopt-proj_part5.html.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website or HCD's website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Tom Morrison
(tom.morrison@dgs.ca.gov)

CBSC Back-up: If the contact person is unavailable, please contact Jane Taylor (jane.taylor@dgs.ca.gov) at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE
PROPOSED BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

James Rowland
District Representative II
Division of Codes and Standards
Department of Housing and Community
Development
Telephone: (916) 327-3809
E-mail: jrowland@hcd.ca.gov
Fax: (916) 327-4712

Back-up:

Shawn Huff
Housing Standards Programs Manager
Division of Codes and Standards
Department of Housing and Community
Development
Telephone: (916) 445-9471
E-mail: shuff@hcd.ca.gov
Fax: (916) 327-4712

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

**REGARDING ADOPTION OF AMENDMENTS
TO THE 2010 CALIFORNIA BUILDING
STANDARDS CODE, TITLE 24, CALIFORNIA
CODE OF REGULATIONS (CCR), PARTS 2, 3,
4, 5 and 6 in TITLE 24, CCR, PART 11,
CALIFORNIA GREEN BUILDING
STANDARDS CODE**

Notice is hereby given that CBSC proposes to adopt, approve, codify, and publish primarily voluntary green building standards in CCR, Title 24, Part 11, which is currently reserved.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28,

2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 16600, 18928, 18930.5, 18934.5, 18934.6, and 18938(b) and Government Code Section 14617. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC, Sections 16600 through 16604 and Division 13, Part 2.5, commencing with Section 18901; and Government Code Sections 14617.

INFORMATIVE DIGEST

Summary of Existing Laws

H&SC Section 16600 authorizes the commission and the Division of the State Architect to develop and adopt building seismic retrofit guidelines for state buildings.

H&SC Section 18928 authorizes the commission to adopt the most recent edition of model codes, national standards, or specifications.

H&SC Section 18934.5 sets forth that, where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

H&SC Section 18934.6 mandates that the commission shall adopt, approve, codify, and publish by reference Appendix Chapter 1 of the International Existing Building Code for providing the minimum standards for unreinforced masonry buildings.

H&SC 18930.5 grants CBSC the authority, if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

H&SC Section 18938(b) provides that model code standards as referenced in the California Building Standards Code (CCR, Title 24) shall apply to all occupancies throughout the state, and shall become effective 180 days after publication in the California Building Standards Code by CBSC, or on a later date after publication established by CBSC.

H&SC Section 38500 et seq. (AB 32, Stats 2006, c. 488) requires a cap on greenhouse gas (GHG) emissions by 2020, mandatory emissions reporting, and a market-based compliance program.

Government Code Section 14617 authorizes the commission and the Division of State Architect to establish a standard of lighting for parking lots at the University of California, California State University, and California Community Colleges.

Government Code Sections 65601 through 65607 regulate use of recycled water in landscaping.

Public Resources Code Sections 42900 through 42911 provide for access in development projects to adequate areas for collection and loading of recyclable materials, and include a model ordinance for local agency adoption.

Summary of Existing Regulations

California Code of Regulations (CCR), Title 24, also referred to as the 2007 California Building Standards Code incorporates the following:

- Part 5, the California Plumbing Code, with Appendix G graywater irrigation standards authored by Department of Water Resources
- Part 6, the California Energy Code, which contains minimum energy efficiency standards for non-residential buildings in California promulgated by the California Energy Commission (CEC)

- Part 11, the California Green Building Standards Code (CGBSC), which contains mandatory and voluntary green building standards for residential, nonresidential, and medical facilities.

Other relevant CCR titles:

- Title 17 includes regulations for air quality promulgated by the California Air Resources Board
- Title 20, Article 4, Appliance Efficiency regulations, contains CEC standards for water consumption of widely used plumbing fixtures.
- Title 23 includes the Model Water Efficient Landscape Ordinance recently updated by Department of Water Resources.

Summary of Governor's Executive Orders

S-20-04, December 14, 2004, instructs state entities to design, construct, and operate all new and renovated state-owned facilities paid for with state funds as "LEED Silver" or higher certified buildings.

S-3-05, June 1, 2005, establishes targets for limiting GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% of 1990 levels by 2050. It directs the Secretary of the Environmental Protection Agency (EPA) to coordinate this effort with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and the President of the Public Utilities Commission. These agencies formed a Climate Action Team (CAT) to report to the governor by January, 2006 and periodically thereafter on strategies and progress in meeting the goals.

S-20-06, October 17, 2006, directs EPA to continue coordinating reduction of GHG emissions and development of market-based strategies for achievement, mandated by AB 32.

Summary of Effect

This proposed action will make effective mandatory and voluntary green building standards available in Title 24, Part 11 for buildings under authority of CBSC, on a date commensurate with the 2010 annual code adoption cycle, either 180 days after publication in Title 24 or at a later date to be determined by CBSC.

Comparable Federal Statute or Regulations

The Environmental Protection Agency (EPA) defines "Brownfield Development", an option proposed for site planning and design. EPA also regulates ozone-depleting and climate warming chemicals, as well as other air pollutants like wood smoke in updates to the 1970 Clean Air Act. The Federal Water Pollution Con-

trol Act (33 U.S.C. 1251 et seq., also known as the Clean Water Act) is adopted in California by the State Water Resources Control Board for management of storm water during construction.

Policy Statement Overview

The standards in the 2008 CGBSC were developed with assistance of a green building focus group made up of state agencies, building officials, industry representatives, model code publishers, and environmental organizations, drawing upon existing points-based green building programs (including LEED, the Collaborative for High Performance Schools, and Green Globes), best practices, guidelines, state agency laws and regulations, draft national standards, and other published material. Working with the focus group in the first half of 2009, CBSC is proposing updated mandatory and voluntary standards for site planning and design, energy efficiency, water conservation, material conservation, and environmental quality, incorporating public comments received in the last code cycle as well as during the 2009 code development process.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CBSC has determined that projects following the Green Building Code guidelines would impose a mandate on local agencies in the form of verification. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. No mandate is imposed on school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**

- E. Cost or savings in federal funding to the state: **None**
Estimate: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. The costs of the mandatory measures proposed are summarized in the Initial Statement of Reasons and in the Economic and Fiscal Impact Statement prepared by the agency, and are not considered significant when weighed against the benefits.

DECLARATION OF EVIDENCE

CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action over and above the Initial Statement of Reasons and the Economic and Fiscal Impact Statement which are part of this rulemaking.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

CBSC is aware of initial cost impacts that a representative private person or business would incur in reasonable compliance with the proposed action. However, it is also anticipated that such costs would be recouped in long-range savings expressed in utility and transportation costs, worker productivity, health costs, and goodwill. The Initial Statement of Reasons and the Economic and Fiscal Impact Statement support this statement.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.** These regulations, employing emerging green building technologies, products, and services, should create jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.** These regulations, employing emerging green building technologies, products, and services should create new business and should expand opportunities for existing business within the State of California.
- **The expansion of businesses currently doing business with the State of California.** These regulations will position California in the lead for statewide green building guidelines, and should provide opportunities for businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the persons named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

CBSC CONTACT PERSONS

General questions regarding procedural and administrative issues should be addressed to:

Tom Morrison, Deputy Executive Director
Tom.Morrison@dgs.ca.gov

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, Senior Architect
jane.taylor@dgs.ca.gov

2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA ELECTRICAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3

2009 Annual Code Adoption Cycle Adoption of the 2008 National Electrical Code

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The OSHPD is proposing building standards related to adoption of the 2008 National Electrical Code for incorporation into the 2010 California Electrical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
 2525 Natomas Park Drive, Suite 130
 Sacramento, CA 95833
 Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to **CBSC@dgs.ca.gov**.

Pursuant to Government Code Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period. (GC 11346.5(a)(18)& 11346.8(c))

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226,1275,18928, 18929, 129790 and 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18928 authorizes state agencies to adopt the most recent edition of model

code, as amended or proposed to be amended by the agency, within one year of the publication date of that model code.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Section 18949.3 mandates that the responsibilities of the Office to adopt building standards, including but not limited to, the responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act (commencing with Section 129765) be transferred to the California Building Standards Commission.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

The OSHPD currently enforces the California Code of Regulations, Title 24, Part 3, 2007 California Electrical Code which is based on the 2005 National Electrical Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Summary of Effect

The proposed action is to adopt the 2008 National Electrical Code for incorporation, by reference, into the 2010 California Electrical Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers, to make minor editorial and technical modifications for clarification and consistency.

cy within the code. Amendments are summarized below.

- Articles 100, 700.27 and 701.18 — Amendment to the definition of “coordination (selective)” will allow selective coordination requirements of 700.27 and 701.18 to be enforced without requiring specific types of overcurrent protection or oversized equipment.
- Table 220.42, Lighting Load and Demand Factors — Amendment specifies what areas of a hospital the demand factors will not apply.
- Articles 352, 362, 380, 382, 388 & 392 — Amendments regarding branch circuits in patient care areas are being repealed because they are unnecessary. These requirements are addressed in Article 517.13(A).
- Articles 404.4 & 406.8(C)(1) — Amendments clarify existing language regarding placement of switches and receptacles in shower stalls.
- Article 404.8(A)(2) — Amendment regarding location of switches in wet locations, such as shower stalls, is being relocated to a more appropriate article, Article 404.4.
- Article 517.16 — Amendment will provide coordination and clarification of the requirements in Articles 250.146(D), 406.2(D), 517.13 and 517.16 as they apply to insulated ground receptacles in patient care areas.
- Article 517.22(A) & (B)(1) — Amendments are editorial for clarity.
- Article 517.22(B)(2) — Amendment adopts a more appropriate lighting standard for skilled nursing facilities.
- Articles 517.33(A)(5) & Article 517.35(B)(4) — Amendments allow wireless nurse call systems in hospitals.
- Article 517.33(A)(7) — Amendment adds “information technology” rooms to telephone room requirements to be connected to the critical branch. This will provide continued functioning of these systems within a hospital.
- Article 517.42(C)(3) — Amendment clarifies that wireless emergency nurse call systems must comply with the latest ANSI/UL 1069 standard.
- Article 517.44(B.1) Exception 2 — Amendment clarifies that battery-powered components of a wireless emergency nurse call system are not required to have the wireless components connected to the alternate source of power.
- Article 517.123(C)(3) — Amendment clarifies requirements for “code blue” audible and visual device locations.

- Article 700.4(A) — Amendment specifies the standard to which generator sets must be tested.
- Article 700.4(B) — Amendment specifies the authority having jurisdiction for periodic testing of emergency generators in hospitals is Department of Public Health, Licensing and Certification
- Article 700.6 — Amendment requires all transfer switches be listed regardless of voltage.
- Article 708.1 — Amendment provides an exemption from new model code requirements for electrical distribution systems.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations related to this proposed action.

Policy Statement Overview

The intent of this proposal is to adopt the most recent model code requirements for health facility construction, pursuant to Health and Safety Code Section 18928. The OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2007 California Electrical Code and to make necessary minor technical modifications

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

(Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.)

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.

- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

**Tom Morrison, tom.morrison@dgs.ca.gov
Jane Taylor, jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

**Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959**

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Duane F. Borba, Acting Deputy Division Chief
Office of Statewide Health Planning and
Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

**REGARDING ADOPTION OF THE 2008
NATIONAL ELECTRICAL CODE (NEC),
FOR USE IN THE CALIFORNIA CODE OF
REGULATIONS (CCR), TITLE 24, PART 3**

Notice is hereby given that the CBSC proposes to repeal the 2005 NEC and adopt, approve, codify, and publish changes to building standards contained in the 2008 NEC for use as the 2010 Part 3, Title 24, CCR.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Thomas Morrison, Deputy Executive
Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the National Electrical Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the

most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 2007 California Electric Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2005 National Electric Code of the National Fire Protection Association (NFPA) without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2008 NEC of NFPA with necessary amendments to state owned buildings and to all occupancies identified pursuant to Health and Safety Code Section 18938, 180 days after the publication of the next triennial edition of the California Electric Code (CEC). This proposed action by the California Building Standards Commission will also make the 2007 CEC, inoperative for state owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CEC.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the NEC, makes it applicable to state owned building projects, or any person seeking a building permit at the local level, the most current edition of the NEC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the NEC provides an up to date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of the California Electrical Code.

**OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR TO ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS**

The California Building Standards Commission has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model electrical code to all occupancies throughout the State of California as prescribed.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**
Estimate: **None**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, the CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

@ **The creation or elimination of jobs within the State of California.**

These regulations will not affect the creation of or elimination of jobs within the State of California.

@ **The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations will not affect the creation of or the elimination of existing business within the State of California.

@ **The expansion of businesses currently doing business with the State of California.**

These regulations will not affect the expansion of businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Tom Morrison, Tom.Morrison@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Russ Frank, Associate Architect
California Building Standards Commission
(916) 263-5383
Russell.Frank@dgs.ca.gov
FAX (916) 263-0959

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) REGARDING THE ADOPTION BY REFERENCE OF THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE (NEC) WITH PROPOSED AMENDMENTS INTO THE 2010 CALIFORNIA ELECTRICAL CODE (CEC) CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3 (HCD 1/08)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. HCD is proposing building standards related to the National Electrical Code (NEC).

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from **August 28, 2009, until 5:00 p.m. on October 12, 2009**. Please address your comments to:

**California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director**

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantial-

ly as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). The CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000-17062.5, 17910-17995.5, 18200-18700, 18860-18874, and 19960-19998; and Government Code Sections 12955.1 and 12955.1.1. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.3 and 19990; and Government Code Section 12955.1.

INFORMATIVE DIGEST

Summary of Existing Laws

Section 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Health and Safety Code Sections 18300, 18670, 18865 and 18873.3 require HCD to adopt building stan-

dards for mobilehome parks and special occupancy parks.

Summary of Existing Regulations

The California Electrical Code, Part 3 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2005 National Electrical Code (NEC) with California amendments, effective on January 1, 2008.

Summary of Effect

HCD proposes to adopt by reference the 2008 edition of the NEC, with California amendments, as indicated on the proposed Matrix Adoption Table, into Part 3, Title 24, CCR for the following programs:

- (a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act's accessibility requirements, except where the application is for public use only.
- (b) Employee Housing Act: relative to the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks: relative to the use of electrical equipment and systems in or on any permanent buildings within the park in accordance with Health and Safety Code Sections 18300, 18670, 18865 and 18873.3.
- (d) Factory-built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with Health and Safety Code Section 19990.

The amendments provide consistency with model code format, state and federal law and conditions unique to California. In addition, these amendments provide clarity and specificity and give direction for the code user.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations will reenact or amend existing electrical standards and establish new electrical standards, which will affect the residential occupancies, buildings or structures accessory thereto; the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property; the use of electrical equipment and systems in or on any park permanent buildings, accessory buildings or structures, residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies.

**OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR TO ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS**

None.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

HCD has made an initial determination that the proposed action will not have a significant statewide ad-

verse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Electrical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Electrical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Electrical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Electrical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by HCD, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rulemaking documents will be posted on HCD's website at http://www.hcd.ca.gov/codes/shl/2010codeadopt-proj_part3.html.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by

making a written request to the contact person named below or at the California Building Standards Commission website or HCD's website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Tom Morrison
(tom.morrison@dgs.ca.gov)

CBSC Back-up: If the contact person is unavailable, please contact Jane Taylor (jane.taylor@dgs.ca.gov) at the phone number or fax number provided below.

CBSC Address: California Building Standards
Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Emily Withers
District Representative
Division of Codes and Standards
Department of Housing and Community
Development
Telephone: (916) 322-5129
E-mail: ewithers@hcd.ca.gov
Fax: (916) 327-4712

Back-up:

Shawn Huff
Housing Standards Programs Manager
Division of Codes and Standards
Department of Housing and Community
Development
Telephone: (916) 445-9471
E-mail: shuff@hcd.ca.gov
Fax: (916) 327-4712

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH
PLANNING AND DEVELOPMENT**

**REGARDING ADOPTION OF AMENDMENTS
TO THE 2010 CALIFORNIA BUILDING
STANDARDS CODE, TITLE 24, CALIFORNIA
CODE OF REGULATIONS (CCR), PARTS 2, 3,
4, 5 and 6 in TITLE 24, CCR, PART 11,
CALIFORNIA GREEN BUILDING
STANDARDS CODE**

HEALTH FACILITIES CONSTRUCTION

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11. The OSHPD is proposing building standards related to health facilities construction.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov. Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15

days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 1275, 129790, 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Section 129850 and Government 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code, Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code, Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code, Section 129850 authorizes OSHPD to propose building standards, as necessary to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

Government Code, Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with Section 18901).

Summary of Existing Regulations

The 2008 edition of the California Green Building Code (CGBC), Title 24, Part 11 is the first edition of this new code which will become effective August 1, 2009. The CGBC contains optional green building measures that may be applied to hospitals and skilled nursing facilities.

Summary of Effect

OSHPD proposes to adopt the 2010 California Code of Regulations, Title 24, Part 11 and carry forward existing optional measures that are applicable to hospital and skilled nursing facilities. OSHPD is also proposing to adopt specific standards from the 2008 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, California Energy Commission, December 2008, CEC-400-2008-001-CMF for incorporation into the 2010 CGBC. Currently, hospitals and skilled nursing facilities are not required to meet energy efficiency requirements of Title 24, Part 6, California Energy Code. The proposed energy efficiency standards would be voluntary measures that would be applicable to these health facilities.

Adoption of these optional green building measures will help establish California as a leader in the efforts to reduce green house gas emissions and will assist in the efforts to meet the Governor's green house emissions reduction targets established in Executive Order S-03-05.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations that address the requirements of this proposal.

Policy Statement Overview

OSHPD proposes to adopt optional building standards for the design and construction of hospitals and skilled nursing facilities.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The proposed regulations are technical and editorial amendments that will provide clarification and consistency with nationally recognized standards and statute.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

A report pursuant to Government Code § 11346.3(c) is not required by the proposed regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.

- The proposed action would have no effect on the creation or elimination of jobs within the State of California.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
- The proposed action would have no effect on the creation of new businesses or elimination of existing businesses within the State of California.
- @ The expansion of businesses currently doing business with the State of California.
- The proposed action would have no effect on the expansion of businesses currently doing business with the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHPD has made a determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Tom Morrison, tom.morrison@dgs.ca.gov
Jane Taylor, jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Duane F. Borba, Acting Deputy Division Chief
Office of Statewide Health Planning and Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
CALIFORNIA DEPARTMENT OF
WATER RESOURCES**

**REGARDING THE CALIFORNIA
BUILDING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 5**

**DUAL PLUMBING DESIGN STANDARDS FOR
POTABLE AND RECYCLED WATER
SYSTEMS INSIDE BUILDINGS**

Notice is hereby given that the California Department of Water Resources (DWR) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The CALIFORNIA DEPARTMENT OF WATER RESOURCES is proposing building stan-

dards related to DUAL PLUMBING DESIGN STANDARDS FOR POTABLE AND RECYCLED WATER SYSTEMS INSIDE BUILDINGS.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5 p.m. on October 12, 2009.

Please address your comments to:

California Department of Water Resources
901 P Street, Room 314
PO Box 842836
Sacramento, CA 95814
Attention: Dean Reynolds

Written Comments may also be faxed to (916) 651-7059 or E-mailed to recycle@water.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, DWR may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which DWR adopts, amends, or repeals the regulation(s). DWR will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Department of Water Resources proposes to adopt these building standards under the authority granted by Water Code Section 13557. The purpose of these building standards is to implement, interpret, and make specific the provisions of Water Code Sections 13553.

INFORMATIVE DIGEST

Summary of Existing Laws

Water Code Section 13553 declares that the use of potable water for certain indoor uses and in certain struc-

tures is an “unreasonable” use of water if recycled water is available. Section 13553(B) states “That any plumbing modifications in the condominium unit or any physical alteration of the structure will be done in compliance with state and local plumbing codes.”

Summary of Existing Regulations

There is currently no California dual plumbing code.

Summary of Effect

The adoption of California Dual Plumbing Design Standards will assist local agencies in providing recycled water. The absence of a California Dual Plumbing Code has caused confusion in local jurisdictions. Local authorities have turned to the Uniform Building Code without assurance that the code is compliant with California Department of Public Health requirements. Some local agencies have denied dual plumbed buildings because of this uncertainty. Adoption of this dual plumbing code will increase the use of recycled water and further the success of water conservation throughout the state.

Comparable Federal Statute or Regulations

No Federal Statute or Regulation

Policy Statement Overview

The objective of this addition to the California Building Standards Code is to promote the use of recycled water and conserve potable water. California is actively working to achieve 20% water conservation by the year 2020. Increased use of recycled water will contribute to meeting this goal and provides local water supply.

OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR TO ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS

N/A

MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS

The CALIFORNIA DEPARTMENT OF WATER RESOURCES has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**
Estimate: \$0

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The CALIFORNIA DEPARTMENT OF WATER RESOURCES has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The proposed code does not require any business or individual to dual plumb a building. The code simply provides standards on how to design, construct, and maintain a dual plumbed building.

FINDING OF NECESSITY FOR THE PUBLIC’S
HEALTH, SAFETY, OR WELFARE

The use of recycled water is expected and encouraged in California. The proposed Dual Plumbing Code Standards have incorporated protections to comply with the requirements of the Department of Public Health. The requirements are designed to protect public health, safety, and welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS

The Department of Water Resources is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION

The Department of Water Resources has assessed whether or not and to what extent this proposal will affect the following:

- ☐ The creation or elimination of jobs within the State of California.

This code will not eliminate jobs.

- ☐ The creation of new businesses or the elimination of existing businesses within the State of California.

This code will not create jobs.

- ☐ The expansion of businesses currently doing business with the State of California.

This code could allow business to expand in areas that are constrained by water availability.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Department of Water Resources has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

Pursuant to a Legislative mandate (AB371, 2006), the Department of Water Resources is adopting a state version of Chapter 16 Part II of the Uniform Plumbing Code (UPC) to provide design standards to safely plumb buildings with both potable and recycled water systems. The only existing alternative to the proposed code is the UPC unmodified version (which is not currently adopted in California). The UPC alternative does not however conform with California's Health and Safety Regulations.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Department of Water Resources website:

<http://www.owue.water.ca.gov/recycle/plumb/plumb.cfm>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Department of Water Resources website.

CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Dean Reynolds, Chief
Water Recycling and Desalination
916-651-7055
dreynold@water.ca.gov
FAX 916-651-7059

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Dean Reynolds, Chief
Water Recycling and Desalination
916-651-7055
dreynold@water.ca.gov
FAX 916-651-7059

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

REGARDING THE ADOPTION OF THE 2009 UNIFORM MECHANICAL CODE (UMC), CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 4

Notice is hereby given that the CBSC proposes to adopt, approve, codify, and publish changes to building standards contained in the CCR, Title 24, Part 4.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the Uniform Mechanical Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specifi-

cation shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 2007 California Mechanical Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2009 Uniform Mechanical Code (UMC) of the International Association of Plumbing and Mechanical Officials (IAPMO) without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2009 UMC of IAPMO with necessary amendments to state owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the next triennial edition of California Plumbing Code (CPC). This proposed action by the California Building Standards Commission will also make the 2007 CMC, inoperative for state owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of CMC.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the Uniform Mechanical Code, makes it applicable to state owned building projects, or any person seeking a building permit at the local level, the most current edition of the UMC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UMC provides an up to date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of California Mechanical Code.

**OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR TO ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS**

The California Building Standards Commission has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model mechanical code to all occupancies throughout the State of California as prescribed.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: **None**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, the CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

@ **The creation or elimination of jobs within the State of California.**

These regulations will not affect the creation of or elimination of jobs within the State of California.

@ **The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations will not affect the creation of or the elimination of existing business within the State of California.

@ **The expansion of businesses currently doing business with the State of California.**

These regulations will not affect the expansion of businesses currently doing business within the State of California.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by the state agency or that has other-

wise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF
RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**Tom Morrison, Tom.Morrison@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

**Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

**Michael Nearman, Architectural Assoc. / Code
Analyst
California Building Standards Commission
(916) 263-5888
Michael.Nearman@dgs.ca.gov
FAX (916) 263-0959**

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

**REGARDING ADOPTION OF THE 2009
UNIFORM PLUMBING CODE (UPC),
FOR USE IN THE CALIFORNIA CODE OF
REGULATIONS (CCR), TITLE 24, PART 5**

Notice is hereby given that the CBSC proposes to adopt, approve, codify, and publish changes to building standards contained in the CCR, Part 5, Title 24.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the Uniform Plumbing Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 2007 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2006 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2009 UPC of IAPMO with necessary amendments to state owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the next triennial edition of the California Plumbing Code (CPC). This proposed action by the California Building Standards Commission will also make the 2007 CPC, inoperative for state owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CPC.

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

This proposed adoption of the most current edition of the Uniform Plumbing Code, makes it applicable to state owned building projects, or any person seeking a building permit at the local level, the most current edition of the UPC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UPC provides an up to date reference document for new building projects and existing buildings to be remodeled or otherwise altered under the next triennial edition of the California Plumbing Code.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The California Building Standards Commission has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model plumbing code to all occupancies throughout the State of California as prescribed.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**
Estimate: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, the CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- @ **The creation or elimination of jobs within the State of California.**

These regulations will not affect the creation of or elimination of jobs within the State of California.

- @ **The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations will not affect the creation of or the elimination of existing business within the State of California.

- @ **The expansion of businesses currently doing business with the State of California.**

These regulations will not affect the expansion of businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**Tom Morrison, Tom.Morrison@dgs.ca.gov or
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

Telephone No: (916) 263-0916

Facsimile No: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

**Russ Frank, Assoc. Architect/Code Analyst
California Building Standards Commission
(916) 263-5383
Russell.Frank@dgs.ca.gov
FAX (916) 263-0959**

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

**REGARDING THE PROPOSED CHANGES TO
ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 1**

**AMEND ARTICLE 1-7 IN
CHAPTER 1 OF PART 1**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1. CBSC is proposing building standards related to an addition to Article 1-10 in Chapter 1 for the administrative regulations of CBSC.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009 until 5:00 p.m. on October 12, 2009.

Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted in Health and Safety Code Section 18930.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 18930.5 grants CBSC the authority, if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

Summary of Existing Regulations

Chapter 1 of Part 1 contains the administrative regulations of CBSC in ten articles, describing duties and procedures to be followed in implementation of California Building Standards Law. The standards are intended to ensure the public's participation in the regulatory process for building standards and establish various Code Advisory Committees to advise the commission with regard to the action to be taken on proposed building standards.

Summary of Effect

The proposed action will amend Article 1-10 to implement and interpret the provisions of H&SC §§18930.5, and provide clarity to the public regarding

the public process by which CBSC will adopt green building standards.

Comparable Federal Statute or Regulations

CBSC is not aware of comparable federal statute or regulation.

Policy Statement Overview

The proposed regulation will amend Article 1–10 to implement and interpret the provisions of H&SC §§18930.5.

OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR TO ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

CBSC has made an initial determination that the adoption/amendment/repeal of this regulation will not

have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
These regulations will not affect the creation of or elimination of jobs within the State of California.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation of or elimination of new businesses within the State of California
- @ The expansion of businesses currently doing business with the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the

agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

www.bsc.ca.gov

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Jane Taylor, jane.taylor@dgs.ca.gov
Michael Nearman, michael.nearman@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, jane.taylor@dgs.ca.gov
Tom Morrison, tom.morrison@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO BUILDING STANDARDS
OF THE
DIVISION OF THE STATE
ARCHITECT-STRUCTURAL
SAFETY (DSA-SS)**

**REGARDING ADOPTION OF THE 2005
NATIONAL ELECTRICAL CODE (NEC),
FOR USE IN THE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 3**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect-Structural Safety (DSA-SS) proposes to repeal the 2005 edition NEC and adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3.

Building standards proposed by DSA-SS for adoption would be applicable to public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: E. David Walls, Executive Director

Written comments may also be faxed to (916) 263-0959, or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made,

the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modification.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards on behalf of DSA-SS under the authority granted by Health and Safety Code Section 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 16000-16023, and Education Code Sections 17280-17317, 81130-81147, and 81053. The Division of the State Architect is proposing this regulatory action based on Health and Safety Code Section 16022, and Education Code Sections 17310, 81142, and 81053.

INFORMATIVE DIGEST

Summary of Existing Laws

Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for state-owned or state-leased essential services buildings. Sections 17310, 81142 and 81053 of the Education Code authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Building standards regarding building electrical systems design, construction and inspection for state-owned or state-leased essential services buildings, and public elementary and secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in Title 24 Part 3, also known as the California Electrical Code.

Summary of Effect

The proposed action will repeal the currently adopted model code (National Electrical Code, 2005 edition, published by NFPA), and will adopt the 2008 edition National Electrical Code, published by NFPA, for effectiveness as the 2010 California Electrical Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with state law, which requires that state agencies propose for adoption the latest edition of model codes within one year of the date of model code publication.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Division of the State Architect has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The proposed action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for public's health, safety or welfare.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
The Division of the State Architect has determined that the proposed action has no effect.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
The Division of the State Architect has determined that this proposal has no effect.
- @ The expansion of businesses currently doing business with the State of California.
The Division of the State Architect has determined that the proposed action has no effect.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The Division of the State Architect has made an initial determination that this proposal **WOULD NOT** have a significant affect on housing costs. The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

CONSIDERATION OF ALTERNATIVES

The Division of the State Architect (DSA) has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought

to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below. This notice, the express terms, and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

**Tom Morrison, tom.morrison@dgs.ca.gov or
Jane Taylor, jane.taylor@dgs.ca.gov**

**2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

**Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad
Ph. (916) 324-7180
richard.conrad@dgs.ca.gov
Howard "Chip" Smith, Jr.
Ph. (916) 327-8008
howard.smith@dgs.ca.gov

Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95811

DSA Facsimile No: (916) 327-3371

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT-STRUCTURAL SAFETY (DSA-SS)

REGARDING ADOPTION OF AMENDMENTS TO THE 2010 CALIFORNIA BUILDING STANDARDS CODE GREEN BUILDING STANDARDS CODE FOR USE IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect-Structural Safety (DSA-SS) proposes to adopt amendments to the 2010 California Building Standards and adopt, approve, codify, and publish green building standards contained in the California Code of Regulations (CCR), Title 24, Part 11.

Building standards proposed by DSA-SS for adoption into Part 11 would be applicable to public elementary and secondary schools, and community colleges.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: E. David Walls, Executive Director

Written comments may also be faxed to (916) 263-0959, or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantial-

ly as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modification.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards on behalf of DSA-SS under the authority granted by Health and Safety Code Section 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of Education Code Sections 17280-17317 and 81130-81147.

The Division of the State Architect is proposing this regulatory action based on Education Code Sections 17310 and 81142.

INFORMATIVE DIGEST

Summary of Existing Laws:

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of public elementary and secondary schools, and community colleges.

Summary of Existing Regulations:

At the direction of the Building Standards Commission, Part 11 of Title 24, which is currently vacant, will contain California's green building standards. These standards will be coordinated with, and may reference existing laws and regulations (e.g. Title 24, Part 6 energy efficiency standards) pertaining to resource and energy conservation and environmental quality.

Summary of Existing Regulations

California Code of Regulations (CCR), Title 24, also referred to as the 2007 California Building Standards Code incorporates the following:

- Part 5, the California Plumbing Code, with Appendix G graywater irrigation standards authored by Department of Water Resources
- Part 6, the California Energy Code, which contains minimum energy efficiency standards for non-residential buildings in California promulgated by the California Energy Commission (CEC)

- Part 11, the California Green Building Standards Code (CGBSC), which contains mandatory and voluntary green building standards for residential, nonresidential, and medical facilities.

Other relevant CCR titles:

- Title 17 includes regulations for air quality promulgated by the California Air Resources Board.
- Title 20, Article 4, Appliance Efficiency regulations, contains CEC standards for water consumption of widely used plumbing fixtures.
- Title 23 includes the Model Water Efficient Landscape Ordinance recently updated by Department of Water Resources.

Summary of Governor's Executive Orders

S-20-04, December 14, 2004, instructs state entities to design, construct, and operate all new and renovated state-owned facilities paid for with state funds as "LEED Silver" or higher certified buildings.

S-3-05, June 1, 2005, establishes targets for limiting GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% of 1990 levels by 2050. It directs the Secretary of the Environmental Protection Agency (EPA) to coordinate this effort with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and the President of the Public Utilities Commission. These agencies formed a Climate Action Team (CAT) to report to the governor by January, 2006 and periodically thereafter on strategies and progress in meeting the goals.

S-20-06, October 17, 2006, directs EPA to continue coordinating reduction of GHG emissions and development of market-based strategies for achievement, mandated by AB 32.

Summary of Effect

This proposed action will make effective mandatory and voluntary green building standards available in Title 24, Part 11 for buildings under authority of CBSC, on a date commensurate with the 2010 annual code adoption cycle, either 180 days after publication in Title 24 or at a later date to be determined by CBSC.

Comparable Federal Statute or Regulations

The Environmental Protection Agency (EPA) defines "Brownfield Development", an option proposed for site planning and design. EPA also regulates ozone-depleting and climate warming chemicals, as well as other air pollutants like wood smoke in updates to the 1970 Clean Air Act. The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., also known as the Clean Water Act) is adopted in California by the State

Water Resources Control Board for management of storm water during construction.

Policy Statement Overview

The standards in the 2008 CGBSC were developed with assistance of a green building focus group made up of state agencies, building officials, industry representatives, model code publishers, and environmental organizations, drawing upon existing points-based green building programs (including LEED, the Collaborative for High Performance Schools, and Green Globes), best practices, guidelines, state agency laws and regulations, draft national standards, and other published material. Working with the focus group in the first half of 2009, CBSC is proposing updated mandatory and voluntary standards for site planning and design, energy efficiency, water conservation, material conservation, and environmental quality, incorporating public comments received in the last code cycle as well as during the 2009 code development process.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

DSA-SS has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DSA-SS has determined that projects following the Green Building Code guidelines would impose a mandate on local agencies in the form of verification. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. No mandate is imposed on school districts.

ESTIMATE OF COST OR SAVINGS

- Cost or savings to any state agency: **None**
- Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- Other nondiscretionary cost or savings imposed on local agencies: **None**
- Cost or savings in federal funding to the state: **None**
Estimate: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

DSA–SS has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. The costs of the mandatory measures proposed are summarized in the Initial Statement of Reasons and in the Economic and Fiscal Impact Statement prepared by the agency, and are not considered significant when weighed against the benefits.

DECLARATION OF EVIDENCE

DSA–SS’s initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action over and above the Initial Statement of Reasons and the Economic and Fiscal Impact Statement which are part of this rulemaking.

FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE

DSA–SS has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

DSA–SS is aware of initial cost impacts that a representative private person or business would incur in reasonable compliance with the proposed action. However, it is also anticipated that such costs would be recouped in long–range savings expressed in utility and transportation costs, worker productivity, health costs, and goodwill. The Initial Statement of Reasons and the Economic and Fiscal Impact Statement support this statement.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

DSA–SS has assessed whether or not and to what extent this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.** These regulations, employing emerging green building technologies, products, and services, should create jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.** These regulations, employing emerging green building technologies, products, and services should create new business and should expand opportunities for existing business within the State of California.
- **The expansion of businesses currently doing business with the State of California.** These regulations will position California in the lead for statewide green building guidelines, and should provide opportunities for businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The DSA–SS has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The DSA–SS must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the persons named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

CBSC CONTACT PERSONS

General questions regarding procedural and administrative issues should be addressed to:

Tom Morrison, Deputy Executive Director
Tom.Morrison@dgs.ca.gov

or

Jane Taylor, Senior Architect
jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad
Ph. (916) 324-7180
richard.conrad@dgs.ca.gov
Theresa Townsend
Ph. (916) 445-1304
theresa.townsend@dgs.ca.gov

Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95811
DSA Facsimile No: (916) 327-3371

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT-
STRUCTURAL SAFETY (DSA-SS)**

**REGARDING ADOPTION OF THE 2006
UNIFORM MECHANICAL CODE (UMC),
FOR USE IN THE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PART 4**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect-Structural Safety (DSA-SS) proposes to repeal the 2006 edition UMC and adopt, approve, codify, and publish changes to building stan-

dards contained in the California Code of Regulations (CCR), Title 24, Part 4.

Building standards proposed by DSA-SS for adoption would be applicable to public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: E. David Walls, Executive Director

Written comments may also be faxed to (916) 263-0959, or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modification.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards on behalf of DSA-SS under the authority granted by Health and Safety Code Section 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 16000-16023 and Education Code Sections 17280-17317, 81130-81147, and 81053. The Division of the State Architect is proposing this regulatory action

based on Health and Safety Code Section 16022 and Education Code Sections 17310, 81142 and 81053.

INFORMATIVE DIGEST

Summary of Existing Laws

Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings. Sections 17310, 81142 and 81053 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of mechanical systems of public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Mechanical Code (Part 4, Title 24).

Summary of Effect

The proposed action would update Part 4 of Title 24 by repealing the 2006 edition Uniform Mechanical Code, and adopting the 2009 edition Uniform Mechanical Code (published by the International Association of Plumbing and Mechanical Officials), for effectiveness as the 2010 California Mechanical Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with state law, by adopting the most recent edition model mechanical code.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Division of the State Architect has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
The Division of the State Architect has determined that the proposed action has no effect.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
The Division of the State Architect has determined that this proposal has no effect.
- @ The expansion of businesses currently doing business with the State of California.
The Division of the State Architect has determined that the proposed action has no effect.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The Division of the State Architect has made an initial determination that this proposal **WOULD NOT** have a significant affect on housing costs. The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

CONSIDERATION OF ALTERNATIVES

The Division of the State Architect (DSA) has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public review by contacting the person named below. This notice, the express terms, and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

**Tom Morrison, tom.morrison@dgs.ca.gov or
Jane Taylor, jane.taylor@dgs.ca.gov**

**2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

**Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad
Ph. (916) 324-7180
richard.conrad@dgs.ca.gov
Howard "Chip" Smith, Jr.
Ph. (916) 327-8008
[howard.smith\(@dgs.ca.gov](mailto:howard.smith(@dgs.ca.gov)

Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95811
DSA Facsimile No: (916) 327-3371

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT- STRUCTURAL SAFETY (DSA-SS)

REGARDING ADOPTION OF THE 2006 UNIFORM PLUMBING CODE (UPC), FOR USE IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect-Structural Safety (DSA-SS) proposes to repeal the 2006 edition UPC and adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5.

Building standards proposed by DSA-SS for adoption would be applicable to public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28, 2009, until 5:00 p.m. on October 12, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: E. David Walls, Executive Director

Written comments may also be faxed to (916) 263-0959, or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and

notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modification.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards on behalf of DSA-SS under the authority granted by Health and Safety Code Section 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 16000-16023 and Education Code Sections 17280-17317, 81130-81147, and 81053. The Division of the State Architect is proposing this regulatory action based on Health and Safety Code Section 16022 and Education Code Sections 17310, 81142 and 81053.

INFORMATIVE DIGEST

Summary of Existing Laws

Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings. Sections 17310, 81142 and 81053 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of plumbing systems for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Plumbing Code (Part 5, Title 24).

Summary of Effect

The proposed action would update Part 4 of Title 24 by repealing the adoption of the 2006 edition Uniform Plumbing Code, and adopting the 2009 edition Uniform Plumbing Code (published by the International Association of Plumbing and Mechanical Officials) for effectiveness as the 2010 California Plumbing Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law, by adopting the most current edition of the model plumbing code.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Division of the State Architect has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
The Division of the State Architect has determined that the proposed action has no effect.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
The Division of the State Architect has determined that this proposal has no effect.
- @ The expansion of businesses currently doing business with the State of California.
The Division of the State Architect has determined that the proposed action has no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Division of the State Architect has made an initial determination that this proposal **WOULD NOT** have a significant effect on housing costs. The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

CONSIDERATION OF ALTERNATIVES

The Division of the State Architect (DSA) has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in car-

rying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review by contacting the person named below. This notice, the express terms, and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**Tom Morrison, tom.morrison@dgs.ca.gov or
Jane Taylor, jane.taylor@dgs.ca.gov**

**2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

**Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959**

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

**Richard Conrad
Ph. (916) 324-7180
richard.conrad@dgs.ca.gov
Howard "Chip" Smith, Jr.
Ph. (916) 327-8008
howard.smith@dgs.ca.gov**

**Division of the State Architect
1102 Q Street, Suite 5100
Sacramento, CA 95811
DSA Facsimile No: (916) 327-3371**

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT- ACCESS COMPLIANCE (DSA-AC) REGARDING THE CALIFORNIA BUILDING CODE (CBC) CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2

Notice is hereby given that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish building standards proposed and submitted for the 2009 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations [CCR], Title 24). The California Building Standards Code is comprised of Part 1 (California Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), Part 11 (California Green Building Standards Code) and Part 12 (California Referenced Standards Code).

The building standards being proposed by the DSA-AC are for incorporation into CCR, Title 24, Part 2.

This notice concerns Part 2 of CCR, Title 24 as proposed by the agencies listed below. Summaries of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

- Appendix A
- Appendix B
- Appendix C
- Appendix D
- Appendix E Division of the State Architect, Access Compliance (DSA-AC)
- Appendix F

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28 un-

til 5:00 p.m. on October 12, 2009. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov/ and either mailed or faxed to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov/.

Public Hearing Request

Pursuant to Government Code (GC) Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards. **NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Division of the State Architect, Access Compliance

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18930 and 18949.1. Any responsibilities of the State Architect to adopt regulations relating to building standards are transferred to the CBSC per Health and Safety Code Section 18949.

The purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code Sections (GC§) 4450 through 4461, 12955.1 and 14679; Health and Safety Code Section (H&SC§) 18949.1 and 19952 through 19959; and Vehicle Code Section 22511.8. DSA-AC is proposing this regulatory action based on GC§ 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to the DSA/AC, or to any specific regulation or class of regulations.

INFORMATIVE DIGEST

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to building standards proposed by DSA-AC. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of building standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed building standards by advisory bodies appointed by CBSC. The proposed building standards being noticed were reviewed by advisory bodies of the Commission between July 22 and July 23, 2009 in Sacramento, California. The recommendations made by these committees may be incorporated into the express terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

1. Amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 2 for DSA-AC. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

See appendices.

Cost Impact on Representative Private Persons or Businesses

See appendices.

Initial Determination of Significant Effect on Housing Costs

See appendices.

Mandate on Local Agencies or School Districts

See appendices.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See appendices.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See appendices.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The state agencies have made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and have determined that a report pursuant to Government Code Section 11346.3(c) is not required.

ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

Each agency has prepared, and CBSC has available for public review, Initial Statements of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text can be accessed from CBSC's website at www.bsc.ca.gov/. Hard copies may be requested by contacting CBSC or the state agency proposing the regulations.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available, from either CBSC or CBSC's website.

CONTACT INFORMATION FOR QUESTIONS

CBSC Contact Person for Procedural and Administrative Questions

Specific questions regarding the regulations should be addressed to the following department contact person:

Jane Taylor, Senior Architect
Jane.Taylor@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Dave Walls, Executive Director
Dave.Walls@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC Michael Nearman (916) 263-5888
Russell Frank (916) 263-5383
(916) 263-0959 FAX

Michael.Nearman@dgs.ca.gov
Russell.Frank@dgs.ca.gov

DSA AC Richard Conrad (916) 324-7180
Aaron Noble (916) 445-4310
(916) 445-7658 FAX

Richard.Conrad@dgs.ca.gov
Aaron.Noble@dgs.ca.gov

APPENDIX E

CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT, ACCESS COMPLIANCE

DSA-AC 01/09 Part 2

INFORMATIVE DIGEST

Summary of Existing Laws

GC§ 4450 authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. GC§ 12955.1(d) authorizes the State Architect to establish building standards for public housing.

H&SC§ 19952 through 19954 require publicly and privately owned facilities or structures to provide access to places of public amusement and resort by persons with disabilities. H&SC§ 19952 specifically requires accessible seating or accommodations in various locations within a facility.

H&SC§ 19955 through 19959 require access by persons with disabilities to public accommodations constructed with private funds. Such privately funded facilities must adhere to regulations promulgated by the State Architect pursuant to GC§ 4450.

GC§ 14679(c) and VC§ 22511.8(b) authorize the DSA to develop, pursuant to GC§ 4450, as appropriate, conforming regulations to ensure compliance for accessible parking.

Summary of Existing Regulations

Existing building standards which prescribe requirements for accessibility to public buildings, public accommodations, commercial buildings and public housing are promulgated by the DSA-AC. These regulations are contained in Title 24, Part 2, and are based on provisions within the adopted model Building Code (2006 International Building Code).

Summary of Effect

The proposed action would ensure that the State Architect's regulations and building standards published in CCR, Title 24, Part 2, would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with GC§ 4450(c).

FISCAL IMPACT

Estimate of Cost or Savings

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other non-discretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

The CBSC contact person designated below will make DSA-AC's initial determination of the estimate of cost or savings available upon request.

Cost Impact on Representative Private Persons or Businesses

DSA-AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

Initial Determination of Significant Effect on Housing Costs

DSA-AC has made an initial determination that this proposed regulatory action would not have a significant effect on housing costs. The CBSC contact designated below will make the DSA-AC evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA-AC has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

DSA-AC has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

DSA-AC has assessed whether or not, and to what extent, this proposed regulatory action will affect the following:

The creation or elimination of jobs within the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The creation of new businesses or the elimination of existing businesses within the State of CA

- The DSA-AC has determined that this proposed action has no effect.

The expansion of businesses currently doing business with the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

**TITLE 24. CALIFORNIA BUILDING
STANDARDS COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
ELECTRICAL STANDARDS
OF THE
DIVISION OF THE STATE
ARCHITECT-ACCESS COMPLIANCE
(DSA-AC)**

**REGARDING THE CALIFORNIA
ELECTRICAL CODE (CEC)
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 3**

Notice is hereby given that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish electrical standards proposed and submitted for the 2009 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations [CCR], Title 24). The California Building Standards Code is comprised of Part 1 (California Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), Part 11 (California Green Building Standards Code) and Part 12 (California Referenced Standards Code).

The electrical standards being proposed by the DSA-AC are for incorporation into CCR, Title 24, Part 3.

This notice concerns Part 3 of CCR, Title 24 as proposed by the agencies listed below. Summaries of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

- Appendix A
- Appendix B
- Appendix C
- Appendix D
- Appendix E Division of the State Architect, Access Compliance (DSA-AC)
- Appendix F

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28 un-

til 5:00 p.m. on October 12, 2009. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov/ and either mailed or faxed to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

Public Hearing Request

Pursuant to Government Code (GC) Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed electrical standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards. **NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Division of the State Architect, Access Compliance

The CBSC proposes to adopt these electrical standards under the authority granted by Health and Safety Code Sections 18930 and 18949.1. Any responsibilities of the State Architect to adopt regulations relating to electrical standards are transferred to the CBSC per Health and Safety Code Section 18949.

The purpose of these electrical standards is to implement, interpret, and make specific the provisions of Government Code Sections (GC§) 4450 through 4461, 12955.1 and 14679; Health and Safety Code Section (H&SC§) 18949.1 and 19952 through 19959; and Vehicle Code Section 22511.8. DSA-AC is proposing this regulatory action based on GC§ 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to the DSA/AC, or to any specific regulation or class of regulations.

INFORMATIVE DIGEST

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to electrical standards proposed by DSA-AC. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of electrical standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed electrical standards by advisory bodies appointed by CBSC. The proposed electrical standards being noticed were reviewed by advisory bodies of the Commission July 7, 2009 in Sacramento, California. The recommendations made by these committees may be incorporated into the express terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

Amend, repeal, approve, codify and publish electrical regulations contained in CCR, Title 24, Part 3 for DSA-AC. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

See appendices.

Cost Impact on Representative Private Persons or Businesses

See appendices.

Initial Determination of Significant Effect on Housing Costs

See appendices.

Mandate on Local Agencies or School Districts

See appendices.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See appendices.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See appendices.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The state agencies have made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and have determined that a report pursuant to Government Code Section 11346.3(c) is not required.

ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

Each agency has prepared, and CBSC has available for public review, Initial Statements of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text can be accessed from CBSC's website at www.bsc.ca.gov/. Hard copies may be requested by contacting CBSC or the state agency proposing the regulations.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available, from either CBSC or CBSC's website.

CONTACT INFORMATION FOR QUESTIONS

CBSC Contact Person for Procedural and Administrative Questions

Specific questions regarding the regulations should be addressed to the following department contact person:

Jane Taylor, Senior Architect
Jane.Taylor@dgs.ca.gov (916) 263-0916
 (916) 263-0959 FAX

Dave Walls, Executive Director
Dave.Walls@dgs.ca.gov (916) 263-0916
 (916) 263-0959 FAX

Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC Michael Nearman (916) 263-5888
 Russell Frank (916) 263-5383
 (916) 263-0959 FAX

Michael.Nearman@dgs.ca.gov
Russell.Frank@dgs.ca.gov

DSA AC Richard Conrad (916) 324-7180
 Aaron Noble (916) 445-4310
 (916) 445-7658 FAX

Richard.Conrad@dgs.ca.gov
Aaron.Noble@dgs.ca.gov

APPENDIX E

**CODE CHANGE SUBMITTAL
 PROPOSED BY THE
 DIVISION OF THE STATE ARCHITECT,
 ACCESS COMPLIANCE**

DSA-AC 5/09 Part 3

INFORMATIVE DIGEST

Summary of Existing Laws

GC§ 4450 authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. GC§ 12955.1(d) authorizes the State Architect to establish building standards for public housing.

H&SC§ 19952 through 19954 require publicly and privately owned facilities or structures to provide access to places of public amusement and resort by persons with disabilities. H&SC§ 19952 specifically requires accessible seating or accommodations in various locations within a facility.

H&SC§ 19955 through 19959 require access by persons with disabilities to public accommodations constructed with private funds. Such privately funded

facilities must adhere to regulations promulgated by the State Architect pursuant to GC§ 4450.

GC§ 14679(c) and VC§ 22511.8(b) authorize the DSA to develop, pursuant to GC§ 4450, as appropriate, conforming regulations to ensure compliance for accessible parking.

Summary of Existing Regulations

Existing electrical standards which prescribe requirements for accessibility to public buildings, public accommodations, commercial buildings and public housing are promulgated by the DSA-AC. These regulations are contained in Title 24, Part 3, and are based on provisions within the adopted model electrical code (2005 National Electrical Code).

Summary of Effect

The proposed action would ensure that the State Architect's regulations and electrical standards published in CCR, Title 24, Part 3, would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with GC§ 4450(c).

FISCAL IMPACT

Estimate of Cost or Savings

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other non-discretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

The CBSC contact person designated below will make DSA-AC's initial determination of the estimate of cost or savings available upon request.

Cost Impact on Representative Private Persons or Businesses

DSA-AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

Initial Determination of Significant Effect on Housing Costs

DSA-AC has made an initial determination that this proposed regulatory action would not have a significant effect on housing costs. The CBSC contact designated

below will make the DSA-AC evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA-AC has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

DSA-AC has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

DSA-AC has assessed whether or not, and to what extent, this proposed regulatory action will affect the following:

The creation or elimination of jobs within the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The creation of new businesses or the elimination of existing businesses within the State of CA

- The DSA-AC has determined that this proposed action has no effect.

The expansion of businesses currently doing business with the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO

MECHANICAL STANDARDS OF THE

DIVISION OF THE STATE ARCHITECT-ACCESS COMPLIANCE (DSA-AC)

**REGARDING THE CALIFORNIA MECHANICAL CODE (CMC)
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 4**

Notice is hereby given that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish mechanical standards proposed and submitted for the 2009 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations [CCR], Title 24). The California Building Standards Code is comprised of Part 1 (California Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), Part 11 (California Green Building Standards Code) and Part 12 (California Referenced Standards Code).

The mechanical standards being proposed by the DSA-AC are for incorporation into CCR, Title 24, Part 4.

This notice concerns Part 4 of CCR, Title 24 as proposed by the agencies listed below. Summaries of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

Appendix A

Appendix B

Appendix C

Appendix D

Appendix E Division of the State Architect, Access Compliance (DSA-AC)

Appendix F

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28 until 5:00 p.m. on October 12, 2009. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov/ and either mailed or faxed to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

Public Hearing Request

Pursuant to Government Code (GC) Section 11346.5(a)(17), any interested person or his or her duly

authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed mechanical standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards. **NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Division of the State Architect, Access Compliance

The CBSC proposes to adopt these mechanical standards under the authority granted by Health and Safety Code Sections 18930 and 18949.1. Any responsibilities of the State Architect to adopt regulations relating to mechanical standards are transferred to the CBSC per Health and Safety Code Section 18949.

The purpose of these mechanical standards is to implement, interpret, and make specific the provisions of Government Code Sections (GC§) 4450 through 4461, 12955.1 and 14679; Health and Safety Code Section (H&SC§) 18949.1 and 19952 through 19959; and Vehicle Code Section 22511.8. DSA-AC is proposing this regulatory action based on GC§ 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to the DSA/AC, or to any specific regulation or class of regulations.

INFORMATIVE DIGEST

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in

GC, Title 2, Division 3, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to mechanical standards proposed by DSA-AC. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of mechanical standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed mechanical standards by advisory bodies appointed by CBSC. The proposed mechanical standards being noticed were reviewed by advisory bodies of the Commission July 07, 2009 in Sacramento, California. The recommendations made by these committees are incorporated into the express terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

Amend, repeal, approve, codify and publish mechanical regulations contained in CCR, Title 24, **Part 4** for DSA-AC. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

See appendices.

Cost Impact on Representative Private Persons or Businesses

See appendices.

Initial Determination of Significant Effect on Housing Costs

See appendices.

Mandate on Local Agencies or School Districts

See appendices.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See appendices.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See appendices.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The state agencies have made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and have determined that a report pursuant to Government Code Section 11346.3(c) is not required.

ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

Each agency has prepared, and CBSC has available for public review, Initial Statements of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text can be accessed from CBSC's website at www.bsc.ca.gov/. Hard copies may be requested by contacting CBSC or the state agency proposing the regulations.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available, from either CBSC or CBSC's website.

CONTACT INFORMATION FOR QUESTIONS

**CBSC Contact Person for Procedural and
Administrative Questions**

Specific questions regarding the regulations should be addressed to the following department contact person:

Jane Taylor, Senior Architect
Jane.Taylor@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Dave Walls, Executive Director
Dave.Walls@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

**Contact Persons for Substantive and/or Technical
Questions on the Proposed Changes to Building
Standards**

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC Michael Nearman (916) 263-5888
Russell Frank (916) 263-5383
(916) 263-0959 FAX

Michael.Nearman@dgs.ca.gov
Russell.Frank@dgs.ca.gov

DSA AC Richard Conrad (916) 324-7180
Aaron Noble (916) 445-4310
(916) 445-7658 FAX

Richard.Conrad@dgs.ca.gov
Aaron.Noble@dgs.ca.gov

APPENDIX E

**CODE CHANGE SUBMITTAL
PROPOSED BY THE
DIVISION OF THE STATE ARCHITECT,
ACCESS COMPLIANCE**

DSA-AC 02/09 Part 4

INFORMATIVE DIGEST

Summary of Existing Laws

GC§ 4450 authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. GC§ 12955.1(d) authorizes the State Architect to establish building standards for public housing.

H&SC§ 19952 through 19954 require publicly and privately owned facilities or structures to provide access to places of public amusement and resort by persons with disabilities. H&SC§ 19952 specifically requires accessible seating or accommodations in various locations within a facility.

H&SC§ 19955 through 19959 require access by persons with disabilities to public accommodations constructed with private funds. Such privately funded facilities must adhere to regulations promulgated by the State Architect pursuant to GC§ 4450.

GC§ 14679(c) and VC§ 22511.8(b) authorize the DSA to develop, pursuant to GC§ 4450, as appropriate, conforming regulations to ensure compliance for accessible parking.

Summary of Existing Regulations

Existing mechanical standards which prescribe requirements for accessibility to public buildings, public

accommodations, commercial buildings and public housing are promulgated by the DSA-AC. These regulations are contained in Title 24, Part 4, and are based on provisions within the adopted model Mechanical Code (2006 Uniform Mechanical Code).

Summary of Effect

The proposed action would ensure that the State Architect's regulations and mechanical standards published in CCR, Title 24, Part 4, would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with GC§ 4450(c).

FISCAL IMPACT

Estimate of Cost or Savings

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other non-discretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

The CBSC contact person designated below will make DSA-AC's initial determination of the estimate of cost or savings available upon request.

Cost Impact on Representative Private Persons or Businesses

DSA-AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

Initial Determination of Significant Effect on Housing Costs

DSA-AC has made an initial determination that this proposed regulatory action would not have a significant effect on housing costs. The CBSC contact designated below will make the DSA-AC evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA-AC has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

DSA-AC has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

DSA-AC has assessed whether or not, and to what extent, this proposed regulatory action will affect the following:

The creation or elimination of jobs within the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The creation of new businesses or the elimination of existing businesses within the State of CA

- The DSA-AC has determined that this proposed action has no effect.

The expansion of businesses currently doing business with the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO

PLUMBING STANDARDS OF THE

DIVISION OF THE STATE ARCHITECT- ACCESS COMPLIANCE (DSA-AC)

REGARDING THE CALIFORNIA PLUMBING CODE (CPC) CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5

Notice is hereby given that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish plumbing standards

proposed and submitted for the 2009 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations [CCR], Title 24). The California Building Standards Code is comprised of Part 1 (California Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), Part 11 (California Green Building Standards Code) and Part 12 (California Referenced Standards Code).

The plumbing standards being proposed by the DSA-AC are for incorporation into CCR, Title 24, Part 5. This notice concerns Part 5 of CCR, Title 24 as proposed by the agencies listed below. Summaries of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

- Appendix A
- Appendix B
- Appendix C
- Appendix D
- Appendix E Division of the State Architect, Access Compliance (DSA-AC)
- Appendix F

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28 until 5:00 p.m. on October 12, 2009. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov/ and either mailed or faxed to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

Public Hearing Request

Pursuant to Government Code (GC) Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed plumbing standards substantially as

proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards. **NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Division of the State Architect, Access Compliance

The CBSC proposes to adopt these plumbing standards under the authority granted by Health and Safety Code Sections 18930 and 18949.1. Any responsibilities of the State Architect to adopt regulations relating to plumbing standards are transferred to the CBSC per Health and Safety Code Section 18949.

The purpose of these plumbing standards is to implement, interpret, and make specific the provisions of Government Code Sections (GC§) 4450 through 4461, 12955.1 and 14679; Health and Safety Code Section (H&SC§) 18949.1 and 19952 through 19959; and Vehicle Code Section 22511.8. DSA-AC is proposing this regulatory action based on GC§ 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to the DSA/AC, or to any specific regulation or class of regulations.

INFORMATIVE DIGEST

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to plumbing standards proposed by DSA-AC. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the

development of plumbing standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed plumbing standards by advisory bodies appointed by CBSC. The proposed plumbing standards being noticed were reviewed by advisory bodies of the Commission July 07, 2009 in Sacramento, California. The recommendations made by these committees are incorporated into the express terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

Amend, repeal, approve, codify and publish plumbing regulations contained in CCR, Title 24, Part 5 for DSA-AC. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

See appendices.

Cost Impact on Representative Private Persons or Businesses

See appendices.

Initial Determination of Significant Effect on Housing Costs

See appendices.

Mandate on Local Agencies or School Districts

See appendices.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See appendices.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See appendices.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The state agencies have made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and have determined that a report pursuant to Government Code Section 11346.3(c) is not required.

ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

Each agency has prepared, and CBSC has available for public review, Initial Statements of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text can be accessed from CBSC's website at www.bsc.ca.gov/. Hard copies may be requested by contacting CBSC or the state agency proposing the regulations.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available, from either CBSC or CBSC's website.

CONTACT INFORMATION FOR QUESTIONS

CBSC Contact Person for Procedural and Administrative Questions

Specific questions regarding the regulations should be addressed to the following department contact person:

Jane Taylor, Senior Architect
Jane.Taylor@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Dave Walls, Executive Director
Dave.Walls@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC	Michael Nearman	(916) 263-5888
	Russell Frank	(916) 263-5383
		(916) 263-0959 FAX

Michael.Nearman@dgs.ca.gov
Russell.Frank@dgs.ca.gov

DSA AC Richard Conrad (916) 324-7180
 Aaron Noble (916) 445-4310
 (916) 445-7658 FAX

Richard.Conrad@dgs.ca.gov
Aaron.Noble@dgs.ca.gov

**APPENDIX E
 CODE CHANGE SUBMITTAL
 PROPOSED BY THE
 DIVISION OF THE STATE ARCHITECT,
 ACCESS COMPLIANCE**

DSA-AC 03/09 Part 5

INFORMATIVE DIGEST

Summary of Existing Laws

GC§ 4450 authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. GC§ 12955.1(d) authorizes the State Architect to establish building standards for public housing.

H&SC§ 19952 through 19954 require publicly and privately owned facilities or structures to provide access to places of public amusement and resort by persons with disabilities. H&SC§ 19952 specifically requires accessible seating or accommodations in various locations within a facility.

H&SC§ 19955 through 19959 require access by persons with disabilities to public accommodations constructed with private funds. Such privately funded facilities must adhere to regulations promulgated by the State Architect pursuant to GC§ 4450.

GC§ 14679(c) and VC§ 22511.8(b) authorize the DSA to develop, pursuant to GC§ 4450, as appropriate, conforming regulations to ensure compliance for accessible parking.

Summary of Existing Regulations

Existing plumbing standards which prescribe requirements for accessibility to public buildings, public accommodations, commercial buildings and public housing are promulgated by the DSA-AC. These regulations are contained in Title 24, Part 5, and are based on provisions within the adopted model plumbing code (2006 Uniform Plumbing Code).

Summary of Effect

The proposed action would ensure that the State Architect's regulations and plumbing standards published in CCR, Title 24, Part 5, would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the

federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with GC§ 4450(c).

FISCAL IMPACT

Estimate of Cost or Savings

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other non-discretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

The CBSC contact person designated below will make DSA-AC's initial determination of the estimate of cost or savings available upon request.

Cost Impact on Representative Private Persons or Businesses

DSA-AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

Initial Determination of Significant Effect on Housing Costs

DSA-AC has made an initial determination that this proposed regulatory action would not have a significant effect on housing costs. The CBSC contact designated below will make the DSA-AC evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA-AC has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

DSA-AC has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of

the proposed regulatory action on businesses available upon request.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

DSA-AC has assessed whether or not, and to what extent, this proposed regulatory action will affect the following:

The creation or elimination of jobs within the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The creation of new businesses or the elimination of existing businesses within the State of CA

- The DSA-AC has determined that this proposed action has no effect.

The expansion of businesses currently doing business with the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

**NOTICE OF PROPOSED CHANGES
TO
FIRE STANDARDS
OF THE
DIVISION OF THE STATE
ARCHITECT-ACCESS COMPLIANCE
(DSA-AC)**

**REGARDING THE CALIFORNIA FIRE CODE
(CFC)
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 9**

Notice is hereby given that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish fire standards proposed and submitted for the 2009 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations [CCR], Title 24). The California Building Standards Code is comprised of Part 1 (California Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy

Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), Part 11 (California Green Building Standards Code) and Part 12 (California Referenced Standards Code).

The fire standards being proposed by the DSA-AC are for incorporation into CCR, Title 24, Part 9.

This notice concerns Part 9 of CCR, Title 24 as proposed by the agencies listed below. Summaries of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

Appendix A

Appendix B

Appendix C

Appendix D

Appendix E Division of the State Architect, Access Compliance (DSA-AC)

Appendix F

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from August 28 until 5:00 p.m. on October 12, 2009. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov/ and either mailed or faxed to:

California Building Standards Commission

2525 Natomas Park Drive, Suite 130

Sacramento, CA 95833

Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov/.

Public Hearing Request

Pursuant to Government Code (GC) Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed fire standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards. **NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

Division of the State Architect, Access Compliance

The CBSC proposes to adopt these fire standards under the authority granted by Health and Safety Code Sections 18930 and 18949.1. Any responsibilities of the State Architect to adopt regulations relating to fire standards are transferred to the CBSC per Health and Safety Code Section 18949.

The purpose of these fire standards is to implement, interpret, and make specific the provisions of Government Code Sections (GC§) 4450 through 4461, 12955.1 and 14679; Health and Safety Code Section (H&SC§) 18949.1 and 19952 through 19959; and Vehicle Code Section 22511.8. DSA-AC is proposing this regulatory action based on GC§ 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to the DSA/AC, or to any specific regulation or class of regulations.

INFORMATIVE DIGEST

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to fire standards proposed by DSA-AC. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of fire standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed fire standards by advisory bodies appointed by CBSC. The proposed fire standards being noticed were reviewed by advisory bodies of the Commission July 22 & 23, 2009 in Sacramento, California. The recommendations made by these committees may be incorporated into the express

terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

1. Amend, repeal, approve, codify and publish fire regulations contained in CCR, Title 24, Part 9 for DSA-AC. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

See appendices.

Cost Impact on Representative Private Persons or Businesses

See appendices.

Initial Determination of Significant Effect on Housing Costs

See appendices.

Mandate on Local Agencies or School Districts

See appendices.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See appendices.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See appendices.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The state agencies have made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and have determined that a report pursuant to Government Code Section 11346.3(c) is not required.

ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF
RULEMAKING DOCUMENTS

Each agency has prepared, and CBSC has available for public review, Initial Statements of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text can be accessed from CBSC's website at www.bsc.ca.gov/. Hard copies may be requested by contacting CBSC or the state agency proposing the regulations.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available, from either CBSC or CBSC's website.

CONTACT INFORMATION FOR QUESTIONS

CBSC Contact Person for Procedural and Administrative Questions

Specific questions regarding the regulations should be addressed to the following department contact person:

Jane Taylor, Senior Architect
Jane.Taylor@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Dave Walls, Executive Director
Dave.Walls@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC	Michael Nearman	(916) 263-5888
	Russell Frank	(916) 263-5383
		(916) 263-0959 FAX

Michael.Nearman@dgs.ca.gov
Russell.Frank@dgs.ca.gov

DSA AC	Richard Conrad	(916) 324-7180
	Aaron Noble	(916) 445-4310
		(916) 445-7658 FAX

Richard.Conrad@dgs.ca.gov
Aaron.Noble@dgs.ca.gov

APPENDIX E

**CODE CHANGE SUBMITTAL
PROPOSED BY THE
DIVISION OF THE STATE ARCHITECT,
ACCESS COMPLIANCE**

DSA-AC 07/09 Part 9

INFORMATIVE DIGEST

Summary of Existing Laws

GC§ 4450 authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. GC§ 12955.1(d) authorizes the State Architect to establish building standards for public housing.

H&SC§ 19952 through 19954 require publicly and privately owned facilities or structures to provide access to places of public amusement and resort by persons with disabilities. H&SC§ 19952 specifically requires accessible seating or accommodations in various locations within a facility.

H&SC§ 19955 through 19959 require access by persons with disabilities to public accommodations constructed with private funds. Such privately funded facilities must adhere to regulations promulgated by the State Architect pursuant to GC§ 4450.

GC§ 14679(c) and VC§ 22511.8(b) authorize the DSA to develop, pursuant to GC§ 4450, as appropriate, conforming regulations to ensure compliance for accessible parking.

Summary of Existing Regulations

Existing fire standards which prescribe requirements for accessibility to public buildings, public accommodations, commercial buildings and public housing are promulgated by the DSA-AC. These regulations are contained in Title 24, Part 9, and are based on provisions within the adopted model fire code (2006 International Fire Code).

Summary of Effect

The proposed action would ensure that the State Architect's regulations and fire standards published in CCR, Title 24, Part 9, would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336), consistent with GC§ 4450(c).

FISCAL IMPACT

Estimate of Cost or Savings

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other non-discretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

The CBSC contact person designated below will make DSA-AC's initial determination of the estimate of cost or savings available upon request.

Cost Impact on Representative Private Persons or Businesses

DSA-AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

Initial Determination of Significant Effect on Housing Costs

DSA-AC has made an initial determination that this proposed regulatory action would not have a significant effect on housing costs. The CBSC contact designated below will make the DSA-AC evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA-AC has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

DSA-AC has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

DSA-AC has assessed whether or not, and to what extent, this proposed regulatory action will affect the following:

The creation or elimination of jobs within the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The creation of new businesses or the elimination of existing businesses within the State of CA

- The DSA-AC has determined that this proposed action has no effect.

The expansion of businesses currently doing business with the State of California.

- The DSA-AC has determined that this proposed action has no effect.

The CBSC contact person designated below will make DSA-AC's initial determination of the effect of the proposed regulatory action on businesses available upon request.

TITLE 24. CALIFORNIA BUILDING STANDARDS COMMISSION

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
REGARDING THE ADOPTION OF THE 2010
CALIFORNIA GREEN BUILDING
STANDARDS CODE (CGBC)
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 11
(HCD 5/09)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11.

This rulemaking action covers the adoption of green building standards.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from **August 28, 2009, until 5:00 p.m. on October 12, 2009**. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). The CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000-17060, 17910-17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873-18873.5 and 19960-19997.

INFORMATIVE DIGEST

Summary of Existing Laws

Section 17921 of the Health and Safety Code requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The

CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Summary of Existing Regulations

The California Green Building Standards Code, Part 11 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, is a new code published for the first time in 2008.

The California Green Building Standards Code (CGBC) references existing codes, such as the California Building Code, California Electrical Code, California Energy Code, California Fire Code, California Mechanical Code, California Plumbing Code and California Code of Regulations, Title 19, Division 1, in addition to including standards designed to address unique California conditions.

Summary of Effect

HCD proposes to adopt the 2010 edition of the California Green Building Standards Code (CGBC), as indicated on the proposed Matrix Adoption Table, into CCR, Title 24, Part 11 for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto.
- b) Employee Housing Act: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- c) Factory-Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

The standards provide consistency with model code format, state and federal laws and regulations, and address unique California conditions. In addition, the regulations provide clarity and specificity, and give direction for the code user.

A discussion of the effect of the regulations may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The purpose of the adoption of the California Green Building Standards Code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental air quality.

The proposed regulations will adopt building standards which will affect the following: residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; and the use of General Design, Structural, and Fire and Life Safety Requirements in housing construction, buildings and structures accessory thereto.

**OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR TO ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS**

None.

**MANDATE ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. Therefore, it does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards by the California Building Standards Commission (CBSC). At the direction of the Governor, HCD collaborated with the CBSC and other state agencies to develop green building standards. This action will result in a minimal cost to HCD which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.

C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.

D. Other nondiscretionary cost or savings imposed on local agencies: NONE.

E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See

Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of businesses within the State of California.
- The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by HCD, or otherwise identified and brought to the attention of HCD, would be more effective

in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This Notice, the Express Terms and the Initial Statement of Reasons can be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov> and also will be posted on HCD's website at <http://www.hcd.ca.gov/codes/shl/2010codeadoptproj.html>.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Tom Morrison
(tom.morrison@dgs.ca.gov)

CBSC Back-up: If the contact person is unavailable, please contact Jane Taylor (jane.taylor@dgs.ca.gov) at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Doug Hensel
Assistant Deputy Director
Division of Codes and Standards
Department of Housing and Community Development
E-mail: dhensel@hcd.ca.gov
Telephone: (916) 445-9471
Fax: (916) 327-4712

Back-up:

Shawn Huff
Housing Standards Programs Manager
Division of Codes and Standards
Department of Housing and Community Development
E-mail: shuff@hcd.ca.gov
Telephone: (916) 445-9471
Fax: (916) 327-4712

GENERAL PUBLIC INTEREST

**DEPARTMENT OF HEALTH CARE
SERVICES**

**2009 BUDGET ACT CHANGES TO BILLING
REQUIREMENTS AND REIMBURSEMENT OF
DRUGS DISPENSED BY PHARMACY
PROVIDERS AND 340B COVERED ENTITIES**

This notice is being given to provide information of public interest with respect to the changes being made by the Medi-Cal fee-for-service program, in compliance with ABX4 5 (2009). It is the intent of the Department of Health Care Services (DHCS) to submit to the federal Centers for Medicare & Medicaid Services an amendment to California's Medicaid State Plan under Title XIX the Social Security Act to implement a change to pharmacy provider reimbursement rates, for dates of service on or after October 1, 2009. The significant elements of the proposed amendment are as follows:

- Pharmacy providers have been required to bill Medi-Cal a price that does not exceed that charged to the general public often referred to by pharmacy providers as the "usual and customary" price. For dates of service on or after October 1, 2009, "Usual and Customary" is now defined as the lower of:
 - o The lowest price reimbursed to the pharmacy by other third-party payers in California, excluding Medi-Cal managed care plans and Medicare Part D prescription drug plans.
 - o The lowest price routinely offered to any segment of the general public.
- Statute allows the DHCS to base the state Maximum Allowable Ingredient Cost (MAIC) on the mean of the average manufacturer's price of drugs generically equivalent to the particular innovator drug plus a percent markup determined by the DHCS to be necessary for the MAIC to represent the average purchase price paid by retail pharmacies in California. Effective October 1, 2009, if the average manufacturer prices are unavailable, the DHCS will establish the MAIC in either of the following ways:
 - o Based on the volume weighted average of wholesaler acquisition costs of drugs generically equivalent to the particular innovator drug plus a percent markup determined by the DHCS to be necessary for the MAIC to represent the average purchase price paid by retail pharmacies in California.
 - o Pursuant to a contract with a vendor for the purpose of surveying drug price information, collecting data, and calculating a proposed MAIC.
- Effective October 1, 2009, covered entities that purchase drugs under the 340B Drug Pricing Program shall dispense only 340B purchased drugs to Medi-Cal beneficiaries. Providers are also required to bill an amount not to exceed the entity's actual acquisition cost for the drug, as charged by the manufacturer at a price consistent with Section 256b of Title 42 of the United States Code plus the professional fee pursuant to Welfare and Institutions (W&I) Code section 14105.45 or the dispensing fee pursuant to W&I Code section 14132.01.
- The above changes in reimbursement to providers are expected to generate a total General Fund savings of \$20.9 million in the Medi-Cal program in budget year 2009-2010.

PUBLIC REVIEW

The proposed amendment to the California's Medicaid State Plan, which details the changes discussed

above, will be available for review at local county welfare offices throughout the State. Copies of the proposed amendment may be requested from:

Kathleen Henry, Pharmaceutical Analyst
Pharmacy Benefits Division
Department of Health Care Services
1501 Capitol Avenue
Suite 71.5131, MS 4604
Sacramento, CA 95814

Written comments may be submitted as follows:

Mailing Address via the U.S. Postal Office:
California Department of Health Care Services
Pharmacy Benefits Division
(Attn: K Henry)
MS 4604
P.O. Box 997417
Sacramento, CA 95899-7417

**Mailing Address for Courier Deliveries ONLY
(UPS, FedEx, Golden State Overnight, etc):**
California Department of Health Care Services
Pharmacy Benefits Division
(Attn: K Henry)
1501 Capitol Avenue,
Suite 71.5131, MS 4604
Sacramento, CA 95814-5005

Email—PharBene@dhcs.ca.gov
By FAX: (916) 552-9563

All comments should include the author's name, organization or affiliation, phone number and Provider ID number, if appropriate.

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES WILL ADOPT REVISED BILLING CODES FOR MEDI-CAL PROGRAM 2009 CURRENT PROCEDURAL TERMINOLOGY — 4TH EDITION (CPT-4) AND 2009 HEALTHCARE COMMON PROCEDURE CODING SYSTEM (HCPCS) LEVEL II

Effective for dates of service on or after September 1, 2009, the California Department of Health Care Services (DHCS) will adopt the 2009 Healthcare Common Procedure Coding System (HCPCS) Update, including the 2009 Current Procedural Terminology — 4th Edi-

tion (CPT-4), and the 2009 HCPCS Level II codes and modifiers. DHCS will establish specific reimbursement rates as follows:

- The maximum reimbursement for durable medical equipment using the updated billing codes, except wheelchairs and wheelchair accessories, will be established at an amount not to exceed 80 percent of the 2009 Medicare rates. Reimbursement for wheelchair and wheelchair accessories will be established at an amount not to exceed 100 percent of the 2009 Medicare rates (Welfare and Institutions Code section 14105.48).
- The maximum reimbursement for orthotic and prosthetic appliances and clinical laboratory services using the updated billing codes will be established at an amount not to exceed 80 percent of the 2009 Medicare rates (Welfare and Institutions Code sections 14105.21 and 14105.22).
- Maximum reimbursement for physician services, including surgical procedures, using the updated billing codes will be established at an amount not to exceed 80 percent of the 2009 Medicare rate for the same service.

These proposed changes will impact the following provider categories:

- Clinical laboratories
- Durable medical equipment
- Hospital outpatient departments and clinics
- Long-term care facilities
- Ground medical transportation
- Other outpatient clinics
- Optometrists
- Orthotists and prosthetists
- Pharmacies/pharmacists
- Physicians
- Podiatrists
- Providers of services under the California Children's Services/Genetically Handicapped Persons Program

PUBLIC REVIEW

The proposed changes are available for public review at local county welfare offices throughout California. Written comments must be submitted within 45 days from the publication date of these changes in the California Regulatory Notice Register. All comments should include the author's name, organization or affiliation, phone number and Provider ID number, if appropriate. Members of the public may request the proposed list of billing codes, and proposed reimbursement rates under the 2009 HCPCS Update from, and submit comments to:

Linda Machado, Chief
Professional Provider Unit
California Department of Health Care Services
1501 Capitol Avenue
MS 4612
P.O. Box 997417
Sacramento, CA 95899-1417

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency
Office of Environmental Health Hazard Assessment

NOTICE TO INTERESTED PARTIES

August 28, 2009

PROPOSITION 65 REGULATORY UPDATE PROJECT WARNINGS FOR EXPOSURES TO LISTED CHEMICALS IN FOODS

OPPORTUNITY FOR PUBLIC PARTICIPATION NOTICE OF PUBLIC WORKSHOP ON SEPTEMBER 25, 2009

The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for implementation of Proposition 65¹. Proposition 65 requires that businesses provide “clear and reasonable” warnings for certain exposures to listed chemicals prior to exposure². This requirement applies to exposures to listed chemicals in foods.

OEHHA has been working with a stakeholder workgroup (<http://www.oehha.ca.gov/prop65/wkgrp/index.html>) to develop possible amendments to the existing “safe harbor” warning regulations in Title 27, California Code of Regulations, section 25601 that would add specific options for both the method and content for warn-

ings for exposures to listed chemicals in foods sold at the retail level.

These amendments include provisions that will determine the level of responsibility between food retailers and manufacturers for the provision of warnings for food products exposure. Many interested parties have requested that OEHHA provide more guidance concerning acceptable methods for providing warnings to consumers for exposures to listed chemicals in foods purchased at retail stores including the relative responsibilities of product manufacturers versus food retailers.

On March 14 and December 3, 2008, OEHHA held public workshops where suggestions were received from the public and business communities concerning these regulatory amendments. OEHHA has developed draft language for this regulation that is based on a proposal received from some members of the stakeholder group. OEHHA is now requesting public input concerning this working draft of the regulatory amendments. The draft regulatory amendments will be posted on the OEHHA Web site at www.oehha.ca.gov on August 27, 2009.

On September 25, 2009 from 10 a.m. to Noon in the Sierra Hearing Room at the Cal/EPA Headquarters Building located at 1001 I Street, Sacramento, California, OEHHA will hold an informal public workshop for the purpose of discussing the draft regulatory amendments and gathering input from interested parties concerning this potential regulatory action. Please keep in mind that these are **pre-regulatory draft amendments**, and are therefore subject to significant changes before any formal regulatory process commences. The official regulatory process has **not** been initiated and will likely not occur until early 2010.

Interested parties are encouraged to attend the workshop and participate in the discussion. They may also submit their ideas in writing by 5:00 p.m. on October 19, 2009. Please note that any formal regulatory language that is eventually proposed by OEHHA may substantially differ from this draft language. Should OEHHA significant changes be made to this proposed language, additional opportunities for public comment may be provided. All submissions should be directed to:

Fran Kammerer
Staff Counsel
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA 95812
Or via e-mail to fkammerer@oehha.ca.gov

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5, et seq.

² Health and Safety Code section 25249.6

If you have special accommodations or language needs, please contact Monet Vela at (916) 323-2517 or mvela@oehha.ca.gov by September 7, 2009.

**OAL REGULATORY
DETERMINATION**

**REGIONAL WATER QUALITY
CONTROL BOARD, CENTRAL VALLEY
REGION (REGIONAL BOARD)**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)**

**(Pursuant to Government Code
Section 11340.5 and
Title 1, section 270, of the
California Code of Regulations)**

Date: August 12, 2009

To: Bill Jennings

From: Chapter Two Compliance Unit

Subject: **2009 OAL DETERMINATION NO. 18(S)**
(CTU2009-0615-02)
(Summary Disposition issued pursuant to
Gov. Code, sec. 11340.5; Cal. Code Regs., tit.
1, sec. 270(f))

Petition challenging as an underground
regulation a document titled "Developing
Protective Hardness-Based Metal Effluent
Limitations."

On June 15, 2009, you submitted a petition to the Of-
fice of Administrative Law (OAL) asking for a deter-
mination as to whether a document titled "Developing
Protective Hardness-Based Metal Effluent Limita-
tions" (Document) constitutes an underground regula-
tion. You allege that the California Regional Water
Quality Control Board, Central Valley Region, (Re-
gional Board) uses the methodology set forth in the

Document to determine the terms of National Pollutant
Discharge Elimination System (NPDES) permits.¹

Government Code section 11340.5 states:

(a) No state agency shall issue, utilize, enforce, or
attempt to enforce any guideline, criterion,
bulletin, manual, instruction, order, standard of
general application, or other rule, which is a
regulation as defined in Section 11342.600, unless
the guideline, criterion, bulletin, manual,
instruction, order, standard of general application,
or other rule has been adopted as a regulation and
filed with the Secretary of State pursuant to this
chapter.

Such a guideline, criterion, bulletin, manual, instruc-
tion, order, standard of general application, or other
rule, is an "underground regulation."²

You state in your petition that the Regional Board
uses or requires the use of the methodology in the Docu-
ment to develop NPDES permits. You included in your
petition a list of several permits that you state were pre-
pared by using the methodology in the Document. The
Document was drafted by Robert W. Emerick, Ph.D.,
P.E., of ECO:LOGIC Engineering and John E. Pedri,
P.E., the Director of Public Works, City of Lincoln, Cal-
ifornia. The authors do not appear to be employees,
agents or contractors of the Regional Board. The per-
mits do not reference the Document. Further, there is
nothing in the permits to demonstrate that the Docu-
ment forms the basis for the permits, or that the Docu-
ment is used for any other purpose related to the per-
mits. As there appears to be nothing connecting the
Document to the permits, OAL cannot determine from
the information in your petition or the identified permits
whether or not the Regional Board has issued, utilized,
enforced or attempted to enforce the methodology in
the Document.

For these reasons, OAL cannot determine whether
the Regional Board has actually issued, utilized, en-
forced, or attempted to enforce the methodology chal-
lenged in the Document, and therefore, whether it is a

¹ NPDES permits are a type of waste discharge requirement per-
mit that regulates discharges to land that could affect groundwater
quality. The methodology described in the challenged document
would establish water quality standards for seven metals that vary
as a function of hardness.

² An "underground regulation" as defined in California Code of
Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bul-
letin, manual, instruction, order, standard of general applica-
tion, or other rule, including a rule governing a state agency
procedure, that is a regulation as defined in section 11342.600
of the Government Code, but has not been adopted as a regula-
tion and filed with the Secretary of State pursuant to the [Ad-
ministrative Procedure Act] and is not subject to an express
statutory exemption from adoption pursuant to the [Adminis-
trative Procedure Act].

guideline, criterion, instruction, order, or standard of general application that has not been adopted pursuant to the Administrative Procedure Act. OAL cannot, therefore, determine whether the Document is an underground regulation. If, at any time, you can provide evidence to demonstrate that the Regional Board has issued, utilized, enforced, or attempted to enforce the methodology challenged in the Document, you may submit a new petition containing the additional evidence.

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/
SUSAN LAPSLEY
Director

/s/
Kathleen Eddy
Senior Counsel

Copy: Pamela Creedon
Lori Okum

DISAPPROVAL DECISION

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

DEPARTMENT OF TRANSPORTATION

**State of California
Office of Administrative Law**

**In re:
Department of Transportation**

**Regulatory Action: Title 4
California Code of Regulations**

Adopt sections:

**Amend sections: 2241, 2242, 2243, 2244, 2245, 2270,
2271, 2272, 2401, 2422, 2422.1,
2424, 2444, 2511, 2512, 2513**

Repeal sections:

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2009-0622-01 S

SUMMARY OF REGULATORY ACTION

The Department of Transportation (Department) proposed this rulemaking to revise its outdoor advertising regulations found in Title 4 of the California Code of Regulations. This amendment proposed to add several definitions, clarify other definitions and make substantive changes to several regulation sections. The proposed changes would include a complete re-write of the regulation applying to Redevelopment Area permit standards and the section applicable to destroyed non-conforming displays. The Department proposed to add a \$300 fee for a landscape reclassification request along with other substantive changes.

DECISION

On August 3, 2009, the Office of Administrative Law (OAL) disapproved the above referenced regulatory action for the following reasons: failure to comply with the requirements for incorporation by reference set forth in California Code of Regulations, title 1, section 20; failure to comply with the clarity, necessity and authority standards of Government Code section 11349.1; failure to include an adequate response to all public comments in accordance with Government Code section 11346.9; failure to comply with procedural requirements; and for miscellaneous omissions and errors in the accompanying text and documentation.

Date: August 10, 2009

/s/
Peggy J. Gibson
Staff Counsel

FOR: SUSAN LAPSLEY
Director

Original: Randell Iwasaki
Copy: Kenneth Parmelee

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0713-04

AIR RESOURCES BOARD

Diesel Particulate Matter Control Measures

This change without regulatory effect revises a reference to reflect the renumbering of the paragraph containing the definition referenced.

Title 13

California Code of Regulations

AMEND: 2020(b)

Filed 08/12/2009

Agency Contact: Trini Balcazar (916) 445-9564

File# 2009-0709-01

CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

Exemption Petition for Cell Lines

This regulatory action allows for an entity to petition the Independent Citizen's Oversight Committee (ICOC) to designate a covered stem cell line as "acceptably derived" even if it was derived prior to November 22, 2006. It also allows the ICOC to find in a public session that such a stem cell line is acceptably derived.

Title 17

California Code of Regulations

ADOPT: 100081

Filed 08/19/2009

Effective 09/18/2009

Agency Contact: C. Scott Tocher (415) 396-9136

File# 2009-0708-01

CORRECTIONS STANDARDS AUTHORITY

2007 Local Youthful Offender Rehabilitative Facilities Construction Financing Program

SB 81 (Chapter 17, Statutes of 2007) provides for \$100 million in funding for the construction of local youthful offender rehabilitative facilities. SB 81 authorizes the State Public Works Board and CDCR to enter into agreements with participating counties (this is a

voluntary program) for acquisition, design and construction, expansion or renovation of county juvenile facilities which are built and operated pursuant to the regulations established by the CSA. In this certification of compliance filing, CSA proposes the adoption of a new Subchapter 7 with accompanying 28 new sections covering eligibility requirements for funds, application requirements, administration and monitoring of the funds and project, and appeal procedures.

Title 15

California Code of Regulations

ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892

Filed 08/18/2009

Agency Contact: Charlene Aboytes (916) 324-1914

File# 2009-0708-02

DEPARTMENT OF FOOD AND AGRICULTURE

Plant Improvement Program

The purpose of this rulemaking is to adopt Title 3, section 902.15 of the California Code of Regulations. This new section is being adopted to establish a plant improvement program to identify and record deficiencies in plant facilities and equipment. This applies to any slaughtering, curing, smoking, drying, rendering, or similar establishment at which inspection is maintained. This requirement includes the use of an incorporated form to establish a record with due dates for the correction of deficiencies. Failure to complete a correction subjects an establishment to a California Rejected tag.

Title 3

California Code of Regulations

ADOPT: 902.15

Filed 08/12/2009

Effective 09/11/2009

Agency Contact: Nancy Grillo (916) 263-2347

File# 2009-0810-01

DEPARTMENT OF FOOD AND AGRICULTURE

Light Brown Apple Moth Interior Quarantine

This emergency regulatory action will establish new regulated quarantine areas in the Long Beach area of Los Angeles County of approximately 9 square miles and in the Los Osos area of San Luis Obispo County of approximately 11 square miles for the light brown apple moth "LBAM" ("Epiphyas postvittana") due to recent findings of the pest. This will result in a total of approximately 3,493 square miles under regulation within the State for the LBAM. The effect of these amendments to the regulation is to establish the authority for the State to perform quarantine activities against the LBAM in these new areas.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 08/13/2009
Effective 08/13/2009
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2009-0709-02
DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT
Manufactured Home/Commercial Modular Fire
Construction Standards

This is the certificate of compliance making permanent the prior emergency regulatory actions (OAL file nos. 2008-0820-01ER, 2009-0205-02EE, and 2009-0515-03EE) that incorporates by reference the new OSFM building standards (Title 24, California Building Code, Part 2, Chapter 7A) recently approved by the California Building Standards Commission and applies them to manufactured homes, mobilehomes, multifamily manufactured housing, and commercial modulars built or installed in a Wildland-Urban Interface Fire Area. These regulations provide minimum standards for the design, materials and construction methods for roofs, roof coverings, roof assemblies, attic eaves and cornice vents, and exterior wall coverings for manufactured homes, mobilehomes, multifamily manufactured housing, or commercial modulars installed, or intended to be installed, in a State Responsibility Area or a Local Responsibility Area, on or after September 1, 2008, in order to resist the intrusion of flame or burning embers projected by a vegetation fire on or into these structures in the same manner as conventionally constructed structures. The Department also established exceptions to this requirement in response to public comment.

Title 25
California Code of Regulations
ADOPT: 4200, 4202, 4204, 4205, 4206, 4208, 4210, 4212, 4214, 4216
Filed 08/19/2009
Agency Contact: Ruth Ibarra (916) 327-2796

File# 2009-0702-02
DEPARTMENT OF PESTICIDE REGULATION
Notification and Application — Specific Information

This action will update worker safety regulations by clarifying notification requirements prior to and after pesticide application, the responsibility for providing such notification, the requirement for making application specific information available to fieldworkers, and limitations upon re-entry after an application of pesticide.

Title 3
California Code of Regulations
AMEND: 6618, 6619, 6761.1, 6770, 6771
Filed 08/13/2009
Effective 09/12/2009
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2009-0715-02
DEPARTMENT OF PUBLIC HEALTH
New Born Screening Program

This change without regulatory effect corrects the name of the certifying board to the "American Board of Genetic Counseling," changes the name of "Department of Health Services" to "Department of Public Health," and corrects a typo.

Title 17
California Code of Regulations
AMEND: 6500.74, 6500.77
Filed 08/13/2009
Agency Contact:
Elizabeth Reyes (916) 445-2529

File# 2009-0713-01
MANAGED RISK MEDICAL INSURANCE
BOARD
Contributions for Vision and Dental Benefits

Sections 17, 18, and 19 of Assembly Bill 1183 (Chapter 758, Statutes of 2008) amended the statutes providing for the Healthy Families Program to increase monthly family contributions and to revise the vision and dental benefit structure. These statutory amendments provided that regulations adopted to implement these changes are deemed an emergency. This filing is a certificate of compliance for an emergency regulatory action that implemented these statutory changes.

Title 10
California Code of Regulations
AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809
Filed 08/19/2009
Agency Contact: Dianne Knox (916) 324-0592

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN March 18, 2009 TO
August 19, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person

listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

08/03/09 ADOPT: 647.5, 647.25, 647.36, 647.37.1
AMEND: 647.1, 647.2, 647.3, 647.4,
647.20, 647.20.1, 647.22, 647.23,
647.24, 647.26, 647.30, 647.31, 647.32,
647.33, 647.35, 647.38 REPEAL:
647.25, 647.34
07/30/09 ADOPT: 1899.570, 1899.575, 1899.580,
1899.585
07/20/09 ADOPT: 721
07/07/09 AMEND: 18450.4
07/06/09 AMEND: 18940.2
06/15/09 ADOPT: 18746.4 AMEND: 18741.1,
18746.1, 18746.3
06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23,
649.25, 649.29, 649.32, 649.33, 649.48
AMEND: 647.4, 649, 649.2, 649.4,
649.7, 649.8, 649.11, 649.12, 649.13,
649.15, 649.16, 649.22, 649.24, 649.26,
649.27, 649.28, 649.30, 649.31, 649.35,
649.36, 649.50, 649.51, 649.57, 649.58,
649.59, 649.62 REPEAL: 649.3, 649.6,
649.9, 649.10, 649.14, 649.23, 649.25
06/09/09 ADOPT: 18405
06/01/09 ADOPT: 250.1
05/21/09 AMEND: 18705.1
05/14/09 ADOPT: 21000, 21001, 21002, 21003,
21004, 21005, 21006, 21007, 21008,
21009
05/08/09 ADOPT: 18410 AMEND: 18402
04/30/09 AMEND: 1859.129, 1859.197
04/28/09 AMEND: div. 8, ch. 111, section 59560
04/22/09 ADOPT: 1859.148.2, 1859.166.2
AMEND: 1859.2, 1859.121, 1859.164.2,
1859.197

Title 3

08/13/09 AMEND: 3434(b)
08/13/09 AMEND: 6618, 6619, 6761.1, 6770,
6771
08/12/09 ADOPT: 902.15
08/07/09 AMEND: 3406(b)
08/05/09 AMEND: 3434(b), 3434(c)
08/04/09 AMEND: 3423(b)
07/31/09 ADOPT: 3436
07/24/09 AMEND: 3434(b)
07/22/09 ADOPT: 3591.23
07/22/09 AMEND: 3406(b)
07/21/09 AMEND: 3591.2(a)
07/20/09 AMEND: 3591.20(a)
07/13/09 AMEND: 625
07/07/09 AMEND: 3435

07/02/09 AMEND: 3423(b)
06/30/09 AMEND: 3434(b)
06/22/09 AMEND: 3434(b)
06/19/09 AMEND: 3591.20(a)
06/15/09 AMEND: 3406(b)
06/15/09 AMEND: 3434(b)
06/01/09 AMEND: 3406(b)
06/01/09 ADOPT: 3408
05/26/09 AMEND: 3434(b)
05/20/09 AMEND: 3434(b)
05/20/09 AMEND: 3434(b)
05/13/09 AMEND: 6800
05/04/09 AMEND: 3434(b)
04/27/09 AMEND: 3434(b)
04/20/09 AMEND: 6452.2
03/30/09 AMEND: 3434(b)
03/25/09 AMEND: 6860
03/23/09 AMEND: 3423(b)
03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214,
1215, 1216, 1217, 1218, 1219, 1220,
1221, 1222.1, 1222.4, 1209, 1209.1,
1245.1, 1245.2, 1245.3, 1245.4, 1260.2,
1269, 1269.1, 1269.2, 1271 AMEND:
1200, 1201, 1202, 1204, 1205, 1206,
1207, 1208, 1222, 1223, 1223.1, 1235,
1236, 1238, 1239, 1240, 1241, 1242,
1243, 1244, 1245, 1245.1, 1245.2,
1245.3, 1245.4, 1245.5, 1245.6, 1245.7,
1245.8, 1245.9, 1245.10, 1245.11,
1245.12, 1245.13, 1245.14, 1245.15,
1245.16, 1246, 1247, 1248, 1249, 1250,
1251, 1252, 1253, 1254, 1255, 1256,
1257, 1258, 1259, 1260, 1260.1, 1261,
1262, 1263, 1264, 1265, 1266, 1267,
1268, 1269, 1270 REPEAL: 1203, 1210,
1211, 1212, 1213, 1214, 1215, 1216,
1217, 1218, 1219, 1220, 1221, 1224,
1225, 1226, 1227, 1228, 1229, 1230,
1231, 1237
03/18/09 AMEND: 3435(b)

Title 4

08/04/09 AMEND: 1853
07/31/09 AMEND: 10020
07/31/09 ADOPT: 7051, 7052, 7053, 7054, 7055,
7056, 7057, 7058, 7059, 7060, 7061,
7062, 7063, 7064, 7065, 7066, 7067,
7068, 7069, 7070, 7071
07/21/09 AMEND: 1979, 1979.1
07/21/09 REPEAL: 1950.1
06/25/09 ADOPT: 12486
06/22/09 ADOPT: 8078.1 AMEND: 8070, 8072,
8076, 8078
06/04/09 AMEND: 106

05/18/09 ADOPT: 12488, 12508, 12510, 12511,
12514 AMEND: 12480, 12486
05/18/09 ADOPT: 12482
05/12/09 AMEND: 406
05/12/09 ADOPT: 12591
04/24/09 ADOPT: 12480, 12492, 12494, 12496,
12498, 12499, 12501, 12502, 12504
AMEND: 12482
04/24/09 AMEND: 12482
03/23/09 AMEND: 10175, 10176, 10177, 10182,
10185, 10187, 10188, 10189, 10190

Title 5

07/21/09 ADOPT: 43200
07/21/09 ADOPT: 43220
07/21/09 AMEND: 42920
07/21/09 ADOPT: 40411
07/09/09 AMEND: 18100
07/03/09 ADOPT: 80027.1, 80048.7 AMEND:
80027
06/29/09 ADOPT: 19821.5, 19825.1, 19828.4,
19837.3, 19839, 19845.2 AMEND:
19815, 19816, 19816.1, 19828.3,
19837.2, 19845.1, 19846
05/28/09 AMEND: 9521
05/11/09 AMEND: 80023, 80024.4, 80024.5,
80024.6, 80025.5, 80026, 80026.1,
80026.6, 80034.5 REPEAL: 80024.3,
80026.4, 80042, 80042.5, 80569
05/11/09 AMEND: 24002, 24003, 24005
05/07/09 ADOPT: 3090, 3090.1, 3091, 3092,
3093, 3094, 3095, 3096, 3096.1, 3096.2,
3097, 3098, 3098.1, 3098.2, 3099
04/30/09 ADOPT: 26000
03/27/09 AMEND: 3001, 3051, 3060, 3061, 3062,
3063, 3064, 3065, 3066, 3067, 3068,
3069, 3070

Title 8

07/31/09 AMEND: 1637, 1646
07/27/09 AMEND: 5006.1
07/24/09 AMEND: 3466
07/23/09 AMEND: 1598, 1599
07/06/09 ADOPT: 5199
07/06/09 ADOPT: 5199.1
06/22/09 AMEND: 230.1
06/18/09 ADOPT: 9792.23.1, 9792.23.2,
9792.23.3, 9792.23.4, 9792.23.5,
9792.23.6, 9792.23.7, 9792.23.8,
9792.23.9, 9792.24, 9792.24.1,
9792.24.2, 9792.24.3, 9792.25, 9792.26
AMEND: 9792.20, 9792.21, 9792.22,
9792.23
05/01/09 AMEND: 3030, 3037, 3089, 3097, 3098,
3101, 3107
05/01/09 AMEND: 4530

04/20/09 AMEND: 10100.2, 10101.1, 10103.2,
10104, 10105, 10106.1, 10106.5,
10107.1, 10108, 10109, 10111.1,
10111.2, 10112, 10113.4, 10113.5,
10114.2, 10115, 10115.1, 10115.2
04/06/09 ADOPT: 227, 314, 389 AMEND: 281,
303, 323, 368, 523
04/01/09 ADOPT: 2710.1, 2716.1, 2718, 2718.1,
2738, 2739.0, 2739.4, 2742.0, 2742.1,
2742.2, 2742.3, 2745.0, 2745.1, 2749.2,
2754.1, 2754.2, 2796, 2799.1, 2799.2,
2799.3, 2799.4, 2799.5, 2799.6, 2812.2,
2812.3, 2832, 2833.1, 2833.2, 2882.2,
2985.0, 2985.1, 2985.2, 2987.0, 2987.1,
2989.0, 2989.1 AMEND: 2700, 2706,
2707, 2710, 2712, 2714, 2715, 2725,
2735, 2739.1, 2743, 2745.2, 2749.1,
2753, 2790, 2791, 2792, 2795, 2797,
2799.0, 2805, 2810, 2812.1, 2816, 2819,
2820, 2833, 2845, 2847, 2863, 2873,
2874, 2875, 2880, 2882.1, 2890, 2893,
2908, 2910, 2931, 2932, 2933, 2934,
2935, 2946, 2974 REPEAL: 2742

Title 9

08/04/09 AMEND: 7331
06/29/09 ADOPT: 10700, 10701 AMEND: 10518,
10529 REPEAL: 10532, 10533
06/26/09 ADOPT: 7212.1, 7212.2, 7212.3, 7212.4
AMEND: 7210, 7211, 7212

Title 10

08/19/09 AMEND: 2699.6707, 2699.6711,
2699.6721, 2699.6723, 2699.6725,
2699.6809
08/04/09 ADOPT: 2355.1, 2355.2 AMEND:
2359.4 amended and renumbered to
2355.3, 2359.7 renumbered to 2355.4,
2359.8 renumbered to 2355.5 REPEAL:
2355.1, 2355.2, 2355.3, 2355.4, 2355.5,
2355.6, 2355.7, 2355.8, 2356.1, 2356.2,
2356.3, 2356.4, 2356.5, 2356.6, 2356.7,
2356.8, 2356.9, 2357.1, 2357.2, 2357.3,
2357.4, 2357.5, 2357.6, 2357.7, 2357.8,
2357.9, 2357.10, 2357.11, 2357.12,
2357.13, 2357.14, 2357.15, 2357.16,
2357.17, 2357.18, 2357.19, 2358.1,
2358.2, 2358.3, 2358.4, 2358.5, 2358.6,
2358.7, 2358.8, 2358.9, 2359.1, 2359.2,
2359.3, 2359.5, 2359.6
07/29/09 ADOPT: 2194.50, 2194.51, 2194.52,
2194.53, 2194.54, 2194.55
07/14/09 ADOPT: 2359.8
07/09/09 AMEND: 2797
07/06/09 AMEND: 250.30
06/24/09 AMEND: 2498.4.9

06/24/09	AMEND: 2498.4.9	06/23/09	ADOPT: 4351.1 AMEND: 4351
06/24/09	AMEND: 2498.4.9	06/16/09	AMEND: 753.5
06/24/09	AMEND: 2498.4.9	06/15/09	AMEND: 27.80
06/01/09	ADOPT: Article 1, 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, Article 2, 2031.7, 2031.8, Article 3, 2031.9, Article 4, 2031.10	06/12/09	AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708
06/01/09	ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10	06/02/09	AMEND: 7.50(b)(91.1)
06/01/09	ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10	05/26/09	AMEND: 7.00, 7.50
05/29/09	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507	05/21/09	AMEND: 7.50(b)(178)
05/12/09	AMEND: 2716.1, 2790.1.5, 2810.5	05/15/09	AMEND: 790, 818.02, 827.02
05/01/09	AMEND: 2699.6603	05/14/09	ADOPT: 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3
03/27/09	AMEND: 2498.6 (Exhibit C)	05/13/09	AMEND: 25201
03/25/09	AMEND: 2661.3, 2661.4, 2662.1	05/07/09	AMEND: 25201
03/23/09	AMEND: 2498.6	05/04/09	AMEND: 670.5
Title 11		04/27/09	ADOPT: 749.5
05/21/09	AMEND: 1005, 1007, 1008	04/08/09	AMEND: 2245, 2320
04/17/09	AMEND: 30.1	03/18/09	AMEND: 632
04/01/09	ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018	Title 15	
04/01/09	ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002	08/18/09	ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892
03/30/09	ADOPT: 30.15	08/11/09	AMEND: 2253
Title 13		08/11/09	ADOPT: 3650, 3651, 3652, 3653, 3654 REPEAL: 3652.1
08/12/09	AMEND: 2020(b)	07/28/09	ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4 AMEND: 3000, 3043.6, 3375
07/29/09	AMEND: 599	06/17/09	ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502, 3600, 3610, 3620, 3625, 3630, 3740
07/17/09	AMEND: 2111, 2112, Appendix A, 2139, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, 2445.1, 2445.2, 2446, 2447, 2474, Documents Incorporated by Reference REPEAL: 2448	06/17/09	ADOPT: 3099
06/29/09	AMEND: 2702, 2704	05/12/09	AMEND: 3000, 3190, 3375, 3376.1, 3379
06/16/09	AMEND: 1239	05/04/09	AMEND: 3335(d)(3)
06/04/09	ADOPT: 2340, 2341, 2342, 2343, 2344, 2345	04/20/09	AMEND: 1004, 1006, 1007, 1008, 1012, 1013, 1018, 1027, 1028, 1029, 1032, 1040, 1044, 1045, 1046, 1055, 1056, 1059, 1063, 1066, 1082, 1101, 1105, 1144, 1151, 1161, 1209, 1217, 1230, 1241, 1243, 1245, 1247, 1262, 1272
05/22/09	ADOPT: 225.38 AMEND: 225.00, 225.03, 225.06, 225.09, 225.21, 225.35, 225.45, 225.48, 225.54, 225.72	04/02/09	ADOPT: 3334 AMEND: 3000
03/18/09	ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2	Title 16	
Title 13, 17		08/11/09	AMEND: 2504.1, 2517.5, 2537, 2540.6, 2564.1, 2575.5, 2590, 2592.6
05/29/09	ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118	08/05/09	AMEND: 995
Title 14		08/05/09	AMEND: 1399.15
07/14/09	AMEND: 124	08/04/09	ADOPT: 1773.5 AMEND: 1773
07/13/09	AMEND: 163	07/28/09	AMEND: 4110
06/23/09	AMEND: 3959(b)(4)	07/27/09	AMEND: 4130
		07/24/09	AMEND: 1391.10, 1391.12
		07/24/09	AMEND: 1387, 1387.6

07/17/09	AMEND: 1999.5	3.2, 3.6, 8.1, 8.2, 8.3, 11.6, 13.9, 14.2,
06/26/09	ADOPT: 2611 AMEND: 2606, 2614, 2615, 2616, 2621, 2649 REPEAL: 2612, 2613, 2623	14.3, 14.6, 15.2, 17.3, 17.4, 18.1
06/26/09	AMEND: 426.51	04/22/09 ADOPT: 3100, 3101, 3101.5, 3102, 3103, 3104, 3105, 3106, 3107, 3108
06/16/09	AMEND: 1524	Title 21
06/12/09	AMEND: 2021, 2068.5, 2068.6 REPEAL: 2067, 2068	06/22/09 ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711
06/03/09	AMEND: 1888	05/14/09 AMEND: 1554, 1556
06/02/09	AMEND: 1419, 1419.1, 1419.3	Title 22
05/20/09	ADOPT: 1815 AMEND: 1886.40	07/31/09 AMEND: 80001, 85002 and 85068.4
04/28/09	AMEND: 1524	07/23/09 AMEND: 120201
04/27/09	AMEND: 1760	07/22/09 AMEND: 51529
04/03/09	AMEND: 3830	07/20/09 AMEND: 68201, 68202, 68205, 68206, 68207, 68208, 68209, 68210, 68211, and Appendix 1 to Article 1 of Chapter 47
03/24/09	ADOPT: 1398.12	07/13/09 AMEND: 66273.3, 66273.39
03/20/09	AMEND: 1937, 1950, 1950.5, 1953	06/17/09 AMEND: 926-3, 926-4, 926-5
Title 17		05/21/09 AMEND: 2601-1
08/19/09	ADOPT: 100081	04/21/09 AMEND: 51543
08/13/09	AMEND: 6500.74, 6500.77	Title 23
06/18/09	AMEND: 94508, 94509, 94510, 94512, 94513, 94515	08/05/09 ADOPT: 3959.2
04/24/09	AMEND: 30100, 30346.1, 30373	07/09/09 ADOPT: 3959.3
Title 18		06/25/09 ADOPT: 3989.8
07/30/09	AMEND: 1668	06/16/09 ADOPT: 3939.36
06/04/09	AMEND: 1532, 1533.1, 1533.2, 1534, 1535	06/01/09 ADOPT: 2631.2
05/21/09	AMEND: 25114	05/14/09 ADOPT: 2920
05/12/09	AMEND: 1502	Title 25
04/29/09	AMEND: 1591	08/19/09 ADOPT: 4200, 4202, 4204, 4205, 4206, 4208, 4210, 4212, 4214, 4216
04/06/09	ADOPT: 25113 AMEND: 25111	05/22/09 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216
03/19/09	AMEND: 23701, 23772	05/20/09 AMEND: 8217
Title 20		05/13/09 ADOPT: 6932 REPEAL: 6932
08/03/09	AMEND: 1670, 1671, 1672, 1673, 1674, 1675	05/07/09 ADOPT: 6932 REPEAL: 6932
07/10/09	AMEND: 1601, 1602, 1604, 1605.3, 1606	Title 27
07/10/09	AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608	07/23/09 AMEND: 25204
06/23/09	AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3, 13.2	04/07/09 AMEND: 25705(b)
06/04/09	AMEND: 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 2.3, 2.6,	Title MPP
		07/06/09 ADOPT: 31-003, 31-502 AMEND: 31-002
		06/29/09 AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306